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MIDYEAR CONSULTATION ON U.S. REFUGEE PROGRAMS FOR FISCAL YEAR 1986

HEARING

BEFORE THE

SUBCOMMITTEE ON
IMMIGRATION AND REFUGEE POLICY

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

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CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

Page
Simpson, Hon. Alan K., a U.S. Senator from the State of Wyoming 1
Kennedy, Hon. Edward M., a U.S. Senator from the State of Massachusetts 51, 57

CHRONOLOGICAL LIST OF WITNESSES

Purcell, James N., Jr., Director, Bureau of Refugee Programs, U.S. Department of State; Alan C. Nelson, Commissioner, Immigration and Naturalization Service, U.S. Department of Justice; and Phillip N. Hawkes, Deputy Administrator, Family Support Administration, Department of Health and Human Services, accompanied by Bill F. Gee, Acting Director, Office of Refugee Resettlement 2

ALPHABETICAL LISTING AND MATERIALS SUBMITTED

Hawkes, Phillip N.:
  Testimony 36
  Prepared statement 39
Kennedy, Senator Edward M.:
  Letters to:
    George P. Schultz from Karl D. Zukerman, May 22, 1986 58
    Senator Edward M. Kennedy from Susan Goodwillie, June 17, 1986 60
      Enclosures:
        Critique of the report of the Indochinese Refugee Panel, June 1986, prepared by Refugees International, Washington, DC 61
        Comments and recommendations of the voluntary agencies concerning refugee admissions for fiscal year 1987—A statement of the Committee on Migration and Refugee Affairs of the American Council for Voluntary International Action [InterAction], June 18, 1986 67
    Senator Alan K. Simpson from J. Edward Fox, June 25, 1986 75
      Enclosures:
        South Africa 76
        Border Khmer 88
Nelson, Alan C.:
  Testimony 25
  Prepared statement 28
Purcell, James N., Jr.:
  Testimony 2
  Prepared statement 7
    Refugee approvals by processing priority—October 1985-May 1986 48
    ODP: Amerasian departures to the United States 105

MIDYEAR CONSULTATION ON U.S. REFUGEE PROGRAMS FOR FISCAL YEAR 1986

FRIDAY, JUNE 20, 1986

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee convened, pursuant to notice, at 10:08 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee) presiding.

Present: Senators Simpson and Kennedy.

Staff present: Richard W. Day, chief counsel and staff director; Carl Hampe, counsel; Dee Dee Herzog, staff assistant; Robyn Bishop, professional staff member; Jodi Brayton, counsel.

OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING, CHAIRMAN, SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Senator SIMPSON. Good morning.

Thank you for being here as we proceed with the midyear refugee consultation. It is good to see you.

The Refugee Act of 1980 provides for "appropriate consultations" between representatives of the President and Members of the Congress to review the refugee situation.

To my knowledge, this is the first midyear consultation which the Senate Judiciary Committee has held with the administration. I requested the consultation because of the Gramm-Rudman-Hollings legislation and the effect it will necessarily have on the Refugee Program. In addition, a little over 1 year ago, I spent 2 weeks in Southeast Asia, and filed a rather extensive report with a broad range of observations, conclusions, and recommendations.

The subcommittee and the committee are interested in knowing exactly how the various Gramm-Rudman-Hollings cuts will affect refugee admissions and the resettlement program here in the United States. I am also curious regarding the implementation of the recommendations contained in that report of last April. We are also interested in knowing the nature of the current refugee situation in Southeast Asia, which seems to be almost a never-ending story.

In Africa, we know that, as the hunger problem has been reduced, the strife on that continent increases. I will be interested in hearing about those situations and also developments in the Near Eastern and European refugee situations.

So I do look forward to your testimony.

The first witness this morning will be the Director of Refugee Programs in the State Department, James Purcell. It is nice to have you here. I might even be so charitable as not to put the clock on today and give you 7 minutes—or 8—just a burst of enthusiasm, because we finally got the damn tax reform bill ready for a vote.

So, why don't you proceed, Jim, if you will, and take about 7 minutes to give us your views, and then we will go to Commissioner Nelson, and then to Phil Hawkes.

STATEMENT OF A PANEL, INCLUDING JAMES N. PURCELL, DIRECTOR, BUREAU OF REFUGEE PROGRAMS, U.S. DEPARTMENT OF STATE, ALAN C. NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE, AND PHILLIP N. HAWKES, DEPUTY ADMINISTRATOR, FAMILY SUPPORT ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, ACCOMPANIED BY BILL F. GEE, ACTING DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT

Mr. PURCELL. Thank you, Mr. Chairman.

I have a lengthy prepared statement, which I will submit for the record, with your approval.

Senator SIMPSON. Without objection, so ordered.

Mr. PURCELL. Mr. Chairman, after about 8 years, this will be my final appearance before this committee, before departing to undertake a new assignment. And I wanted to state at the outset my pleasure over the years in having worked with you, and this committee, and the appreciation that I have for the support and encouragement that you have provided to us.

I look back over this past period, and I can see a number of refugee crises around the world that the United States has participated in, in terms of resolution. I am very proud of the record of our Government. I think if you look at Southeast Asia, from Southeast Asia to the Middle East and Africa, we can take great pride in having addressed the plight of literally millions of people, and I believe in many cases, helping save their lives or certainly ameliorating the serious conditions under which they exist until solutions can be found for their particular problems.

I am particularly pleased to represent the United States in this program, along with my colleagues here, to whom I also wish to express my support and appreciation for their help.

I think the United States has been courageous in many situations. We have had the opportunity to be in the front of many of these crises, and we have put our words into action. We have provided political, moral, and financial support. The financial support is necessary in order to address these situations, and that is the issue I believe that most concerns me, particularly at this point, Mr. Chairman.

In 1986, after the Gramm-Rudman-Hollings cuts were taken in our budget, we were left with $324 million. That amount, as I had expected, was not adequate to address the serious refugee problems around the world. I would like to just remind the committee that we are addressing the plight of about 10 million people in the world.

If you look at one of the issues we will be addressing today, third country resettlement, looking at the United States resettling between 60,000 and 70,000, and the rest of the world doing slightly more than that, you can see that third country resettlement is a minor fraction of the efforts of the international community to address refugee problems.

And it is important that we not lose sight of these almost 9,850,000 other refugees for which we use other solutions in addressing.

This past year, with the tightness of the budget, I told my staff that we will use one criterion to determine how we use our money, and that will be life preservation.

I am looking now at a situation in Africa where the ICRC, which is helping literally millions of people, will be out of money in about the middle of July; we need to provide some more to them.

I am looking at situations in Southeast Asia where, to maintain the population, the UNHCR requires additional funding.

This has led me, Mr. Chairman, to review our programs and to propose to the Congress in a reprogramming letter an adjustment of our priorities. I have sent a letter notifying the Congress of a reduction in the overall level of the U.S. admissions program from 67,000, which we consulted on this past year, to provide funding for 61,000. That will free up $9 million, which I will then allocate to life-preserving programs for other refugees in the world.

I regret very much having to take this action, which has now been endorsed by the Department and the executive branch, but it is my belief that we have to seriously look at our priorities as our funding levels decline.

I am also very concerned, Mr. Chairman, about the budget deliberations that are now underway for 1987. The Refugee Program in the State Department is part of the international affairs function of the budget which has sustained serious reductions in the House and Senate actions on the overall budget resolution. That function as submitted by the President totaled $22.6 billion. The actions of the House would reduce that to $17 billion, and of the Senate to $17.9 billion. Those issues will obviously be conferenced, and it is unclear to me yet the precise impact this will have on the Refugee Program, but with some of the suggestions that I have been hearing, I would suspect that it would be quite substantial.

I will say that we will fight for a respectable level for refugees but, like every program, we understand the need for overall budget austerity and for whatever level of program that was ultimately approved, will carry it out; but it will mean that some very hard prioritizing will have to be done.

Therefore, we are saying now that we expect the level of admissions into the United States this fiscal year to approximate 61,000. We will certainly be guided by events later in the year, but we believe that is a reasonably firm estimate.

Another issue which you identified, Mr. Chairman, in your letter inviting us to this hearing, was the situation of the Khmer in Thailand.

I believe I can speak with some authority on this point. I think that I am probably the last State Department person who has lived through, I think, every minute of this program, from the time the first Khmer arrived into Thailand to where we are to date. I believe the United States has had a remarkable record in dealing with this problem. We led the effort in 1979 and 1980 to provide sufficient resources to the interior of Cambodia to prevent large-scale famine and to control dangerous and rampant disease. Vast resources were put into the country, of which the United States was the major contributor.

Since that time, we have also worked on two groups of Khmer, those that were allowed into Thailand before the border was closed in 1980—some 165,000—and we have provided support and care for those around the border who were not allowed into Thailand, which has ranged from 250,000 to 500,000 over these years.

With regard to the group that came into Khao I Dang, the 165,000, we have pursued a range of solutions for them. We started processing that group in 1980. We ceased in 1981 while the U.N. High Commissioner for Refugees was attempting to arrange a repatriation program. When that failed, we started again in 1982 with processing. Over that period of time, we have considered each of the 165,000 cases on that border. The United States has approved and accepted 130,000 of those people for admission to our country. Others have been accepted by other resettlement governments. There remains a population of approximately 14,500 who we have considered but not accepted for our program.

This has become a very controversial program, and I will not go into it in detail, because I believe Commissioner Nelson will be addressing that subject, only to say that I think we have given more patience and consideration to this group probably than any other that we have considered anywhere else around the world.

Our overall approval rate for that population exceeds 90 percent of the 165,000, which I think is a remarkable record for the United States.

We are entering a new phase with that population at Khao I Dang. This past Friday, a meeting was held with Squadron Leader Prasong, with the major resettlement governments, and he indicated that he would like to see the remaining people at Khao I Dang resettled and that he has an intention to close that camp, presumably sometime toward the end of the year.

Our position was that we would like—and we were pleased that he had this meeting, because he is allowing a dialog with major governments on the status of the Khmer, the status of the camp; he has indicated that toward the end of the year, he will have another meeting with the major governments to decide their exact fate.

We indicated at that meeting that we had considered the 14,500 rejected, and we would invite other countries to now consider them. We indicated that we are prepared to process the so-called family cardholders now numbering about 4,300–4,500, and that we would take family cases out of the 7,000 or so ration cardholders. We did not indicate that we would consider processing for refugee resettlement the ration cardholders, nor did the Thai make them available for that purpose.

I believe that it is important now for the other governments in the world to step up and do their fair share in resettling this population. We certainly will do our bit on those that we have not previously considered.

But I believe that, over time, history will denote that this period, if you look at the whole 7-year history of the Khmer program, will show that the United States has done a respectable and outstanding job on them.

Also at site 2, there were a number of land Vietnamese, 4,300, that we, because of the vulnerable position they are in, are now processing. We are hopeful that it will be possible sometime in the near future to move the remainder to a safer location in the interior of Thailand, and discussions in that regard are presently underway with the Government.

I might also mention that there was a small group of Montagnard tribesmen at site 2, some 213, which we received many, many expressions of concern from Members of the Congress and the public. We have considered that group and have taken all of them. They are presently in English-language training and will soon be on their way to the United States.

We believe that that is a group which we have special concern about, and we were privileged to have the opportunity to assist them.

You also requested, Mr. Chairman, a review of the Lao screening program. It has been in effect since last July. Since that time, about 3,900 people have come into Thailand; about 1,900 of them have been screened in as refugees. Of the remainder, about 25 percent, have been screened out, and the last 25 percent have cases still pending. It has not been possible because of conflicts along the border to arrange for the return of those screened out, but we hope that will occur very shortly.

In terms of deterrent effect, we think new arrivals of lowland Lao and hill tribes Lao will be about 3,600, compared to about 16,000 in the previous year. So the screening program has obviously had an impact.

In the Southeast Asia Program, we are very much aware of the report of this committee which we have been working on; and also the recent study of the Ray panel, which I believe provides a course and direction that will be useful to the United States to follow over the coming months in setting its priorities in Southeast Asia.

Commissioner Nelson and I had an opportunity to meet in Geneva this past week with a number of our allies from other resettlement governments and the U.N. High Commissioner for Refugees about Southeast Asia. We are looking at a number of reviews and concerns jointly. It is the belief of that group that it is certainly time to begin to pursue serious durable solutions in that region, and we would hope that that dialog would continue over the coming months.

One other point in Southeast Asia concerns the UNHCR Orderly Departure Program which, as you know, has been suspended by the Vietnamese in terms of new interviewing since this past January. We have had several discussions with the Vietnamese at the technical level in order to get this program back on the road. We had discussions with the Vice Foreign Minister in New York recently, and are prepared to discuss again, whenever further meetings can be arranged, the issue of getting this program going again.

In Africa, we have had, as you mentioned, a serious problem. We saw this past year the number of African refugees expand from 2 million to 2.8 million. We are continuing to monitor serious conditions in Ethiopia, Sudan, Somalia, and the Horn. We are seeing some return of the Ugandans to their country. We are very much aware of the possibility of danger in the southern part of Africa and have alerted the U.N. High Commissioner and our own embassies to be certainly conscious of it.

Mr. Chairman, I have spoken too long, and I will stop here and entertain your questions.

[Statement follows:]

PREPARED STATEMENT OF JAMES N. PURCELL, JR.

Mr. Chairman:

This mid-year consultation provides a welcome opportunity to review developments in U.S. refugee policies and programs that have occurred since the annual consultation at which the Secretary of State testified last September. By their nature refugee programs reflect and respond to rapidly changing situations in many regions throughout the world. The established structures of an annual refugee consultation and an unpredictable budget process often come into conflict with the changing requirements of the real world. Periodic consultations such as this enable us to report on steps needed to adjust our programs to the changing realities.

Your letter inviting us to this consultation expresses particular interest in the current situation of the "border Khmer," the "Khmer review process" at Khao I Dang, and other subjects addressed in your comprehensive report, Mr. Chairman, on the "U.S. Refugee Program in Southeast Asia: 1985." In addressing these and related subjects, I also want to draw on the Report of the independent Indochinese Refugee Panel headed by the former Governor of Iowa, Robert D. Ray, which was submitted to the Secretary of State on April 18. I believe copies of that Report have been made available to the Committee. With the assistance of the Immigration and Naturalization Service, we are now conducting our own analysis of the Report.

I will also discuss the implications for our programs of the funding cuts mandated by the Gramm-Rudman-Hollings legislation and other budgetary restrictions for this fiscal year (1986), and the related shifts in program and funding priorities we will follow as a result of these budget reductions. I will also express the Administration's concerns about the sizeable reductions which will occur in refugee and many other international affairs programs as a result of House and Senate action to reduce funding for these programs in their deliberations on the 1987 budget resolution. Finally, as you have suggested, I will provide an update on the African refugee situation, with particular reference to Ethiopia and Sudan, and in light of the report recently completed by the Subcommittee's staff.

Before discussing these issues, however, I would like to discuss briefly the context in which we are addressing several recent studies which have suggested new policy directions in our Southeast Asia program. We have had available your review, Mr. Chairman, as well as that of the Ray Panel and a number of other policy or operational critiques. All point to a crossroads, a need to move from almost exclusive reliance on refugee resettlement in the program to a more balanced use of refugee and normal immigration mechanisms. The Administration agrees with this redirection. For example, the Ray Report provides, we believe, an excellent analysis of the problem and offers viable suggestions for addressing it. Implementation, however, if it is to be enduring and problem solving, must be done in an international context with renewed leadership and direction from the High Commissioner for Refugees and his staff. Only in this way can we achieve broad-based burden-sharing through the active participation of other resettlement countries. Furthermore, we must have a mechanism capable of actively pursuing comprehensive durable solution planning, if we are to avoid almost exclusive reliance on third country resettlement. Commissioner Nelson and I had the opportunity to continue the dialogue on such a process in Geneva last week with a number of our partners. We found the UN High Commissioner and leaders of several other major resettlement governments receptive to the need to review our joint approaches to the Southeast Asian refugee program and willing to discuss such approaches further. Coordinated action at the international level is essential for future planning and operations, and we are optimistic that our other partners share this view and are eager to pursue it further over the coming months.

Also, we must realistically acknowledge that reductions in the U.S. budget for international affairs programs, which at this point seem very likely to occur, argue strongly for pursuing refugee assistance programs with a renewed emphasis on viable burden-sharing. The United States must never back away from its humanitarian traditions and obligations, but we must realistically determine the proper U.S. role in such undertakings. We are confident that the goodwill and capacity still exists in the international community for aggressively pursuing solutions to the Indochinese refugee problem, as well as those of other regions, but care and patience must be taken to develop the framework which will permit an equitable, burden-sharing response to such problems.

Thai-Cambodian Border

Your report, Mr. Chairman, and that of the Ray Panel deal with many of the same issues, including those highlighted in your letter calling this consultation. Of those issues, none is more significant and sensitive for the future of the Southeast Asian region, and for the future direction of our programs, than the situation of the 250,000 Khmer and other populations along the Thai-Cambodian border.

The recent dry season in that region came and went without significant attacks on civilian encampments by Vietnamese military forces, unlike earlier years when Vietnamese ground forces and artillery fire forced repeated evacuations of the border populations. This may well be due, in part, to the Thai government's decision to move the border encampments a short distance into Thailand, thus removing the opportunity to attack camps immediately on the border.

In its discussion with senior Vietnamese officials in Hanoi the Ray Panel urged the Vietnamese not to attack the civilian camps as had happened in earlier years. To lessen the pretext for attacks, combatants were separated from civilians. The subsequent January visit to Hanoi by Assistant Secretary of Defense Armitage and then Assistant Secretary of State Wolfowitz was made conditional on the absence of such attacks. The U.S. and its allies used the diplomatic tools at their disposal to assure that the Vietnamese knew that attacks on innocent civilians would be met by worldwide condemnation.

Now that the 1985-86 dry season is over, we have seen that Vietnamese military efforts this year concentrated on further sealing the border region and on measures to extend Vietnamese control of the Cambodian countryside. The approximately 245,000 Khmer now residing in the camps in the vicinity of the border will continue to require special attention from the international community to assure their security and welfare. With the International Committee of the Red Cross (ICRC) acting as the focal point for protection and the UN Border Relief Operation (UNBRO) for welfare and maintenance, we believe the international mechanisms now in place can adequately attend to these vulnerable populations as the search for political solutions to their situation continues.

Need for Improved Education Programs

To the extent that the situation has stabilized, it becomes all the more desirable to provide improved education, health, and feeding programs for the displaced Khmer who remain in the vicinity of the border. I was pleased to see, Mr. Chairman, that the Ray Panel emphasized the need for such programs in terms similar to those set forth in your Report a year earlier.

We in the Administration have also urged that such programs be established and expanded, and from information we have received recently I believe that the responsible authorities in Thailand are giving serious consideration to allowing such programs to go forward, if the necessary international funding can be assured. For a population of this size, expansion of educational programs now in place will require substantial additional resources.

Our government recognizes a responsibility to assist financially, but it is also important that other governments as well as private organizations in a position to contribute, help underwrite these programs. The Khmer on the border have been forced to flee their homelands in what the Thai and we continue to regard as a temporary displacement caused by the presence of Vietnamese forces in Cambodia. Although eventual return to their home regions clearly seems the right solution for the great majority of these people, it is a tragic waste of human potential that so many of them have been growing up for years without access to even minimum schooling.

Border Processing

Such programs are even more important in view of the Ray Panel's finding, similar to yours, that refugee admissions processing for resettlement in third countries is not the appropriate solution for the Khmer on the border. The Ray Panel endorsed our current policy of immigrant visa processing for family reunification cases in this group, recommending generous use of humanitarian parole for hardship cases. I believe this is also consistent with the recommendations in this Subcommittee's Report.

Another group on the border, the 4,500 so-called "land Vietnamese" refugees who survived the hazardous trip across Cambodia from Vietnam -- have been of particular concern to many members of Congress. Because of their special vulnerability, surrounded by hostile Vietnamese communist military forces and unfriendly Cambodian groups, we and other countries are processing the land Vietnamese for resettlement on an urgent basis. The Thai authorities requested assurances that this entire group would be processed, and we understand that they are seriously considering moving the group away from the border to a nearby inland site for greater safety and more efficient interviewing. We hope they will make a favorable decision shortly. For this group the U.S. is considering cases in all our processing priorities. We believe this policy is justified by the special vulnerability of the land Vietnamese, and the absence of any prospect for them to return to their homeland.

You will also be interested to know that the U.S. has completed processing of a small Montangard caseload which was also located at Site 2. We received many expressions of concern about this vulnerable population from members of Congress and the public. We processed the entire group, accepting all 213 considered. They are now undergoing ESL/CO training prior to resettlement in the U.S.

Khao I Dang

The refugee camp at Khao I Dang has served as the main site for Cambodian refugees within Thailand since their arrival in the wake of the Vietnamese invasion in 1978-79. Of the approximately 165,000 pre-1980 arrivals, over 90 percent have been resettled abroad, in the United States and other receiving countries. The U.S. has approved over 90 percent of the cases in this population that were presented to the INS. The remaining 14,500 of this group have been rejected for admission to the United States and, in some cases, other countries and have been the subject of continuing case reviews carried out by the Immigration and Naturalization Service (INS) and the Department, with the assistance of experts from private voluntary agencies.

The initial review of the Khmer caseload at Khao I Dang was completed in June, 1985. Between February and August, 1985, there was a further review of 154 previously denied cases in the field, for whom the earlier denials were upheld in 84 cases and reversed in 44 with some cases held for futher review. A subsequent formal review of an additional 631 cases previously denied cases was instituted in November, 1985, and of this number slightly under 10 percent (59 out of 631 cases) were reversed. Since each case averages several people in a family we estimate that about 20 percent of this population of 14,500 has benefited from such reviews.

The Ray Panel stated that it was impressed by the major efforts undertaken to review the cases of the "denied Khmer" and recognized the difficulty of carrying out this process but concluded that additional cases should also be reviewed. The Panel noted that among the denied Khmer are some with family ties in the U.S. for whom it would be especially desirable to assure that there has been a full review.

It has been the INS's judgment, in which we have concurred, that the review of the 631 cases effectively completed the special review process. The cases were selected with an eye to those that appeared most likely to benefit from review, including those with family ties in the U.S.

"Family Card Holders"

Another group at Khao I Dang, the 4,300 so-called "family card holders" who entered the camp between 1980 and 1984, has just become available for resettlement processing, and the U.S. will soon commence processing in priorities 1 through 5. We are not planning to process those who entered the camp illegally after August, 1984, the so-called "ration card holders" who are regarded by the Thai and the international community as essentially in the same status as the other Khmer on the border.

At a June 13th meeting in Bangkok, the Thai authorities stated their ultimate intention to close Khao I Dang and to move those remaining there to the location of their choice along the border. We have reminded the Thai of our interest in the family card holders, as well as those who will benefit from immigrant visa processing. The planned relocation of these groups is of course the responsibility of the Thai, but we have requested that they keep the camp open until all governments have had an opportunity to complete their processing and the UNHCR has had an opportunity to determine whether other forms of durable solutions should be considered. The UN High Commissioner will visit Southeast Asia in September and this is one of the subjects he will address. Thai officials agreed at the June 13 meeting to meet again later in the year to review the status of Khao I Dang with UNHCR and the major resettlement governments.

Lao in Thailand

Both this Committee's Report and that of the Ray Panel deal extensively with the situation of Lao refugees in Thailand, particularly the screening program that has been instituted by the Thai authorities with the participation of the UNHCR, to determine which of the newly arriving Lao qualify for refugee status and which should be returned to Laos as illegal immigrants.

Essential to this program has been the Lao government's agreement to accept back those screened out. Despite an earlier agreement in principle between the Lao and Thai governments, thus far none of the approximately 1,000 persons have been permitted by Laos to return home. We are supporting the UNHCR's efforts to work with the Lao authorities to assure their safe and orderly return.

On the positive side, the screening program has acted to reduce the number of new Lao arrivals in Thailand. Since it started in July 1985, 3,900 Lao have arrived in Thailand, as opposed to 16,000 during the comparable period in the preceding year. Almost half of the arrivals since July, 1985 have been granted temporary asylum by Thailand and are currently in UNHCR camps.

The UNHCR Orderly Departure Program

You will recall that the uncontrolled flood of boat departures from Vietnam in 1978-79 prompted the international community, led by the UNHCR, to seek agreement from Hanoi to a regularized system of departure. The result was an agreement signed in June 1979 by the UNHCR and Vietnam, creating the Orderly Departure Program (ODP) from Vietnam. Since then, the ODP has provided a safe means of departure from Vietnam, for an increasingly larger number of Vietnamese, as an alternative to dangerous flight either by boat or overland through the mine-infested fields along the Thai-Cambodian border. Over

105,000 Vietnamese have been able to leave Vietnam through this program -- approximately half to the U.S. and half to the other nearly 30 participating countries.

Despite the unilateral Vietnamese suspension of processing new cases since last January, departures in 1986 have remained close to what they were in the comparable period last year. There is a sufficient pool of interviewed U.S. applicants to permit departures to continue for several more weeks. On May 21, Senators DeConcini and Murkowski, and on June 5 Representative Bilirakis, introduced resolutions urging the Vietnamese to allow the resumption of processing. We greatly appreciate this bipartisan support and are hopeful that differences with the Vietnamese can be resolved before any permanent damage to the program is done. In spite of Vietnamese obstruction, we will come very close to the FY-1986 refugee ceiling of 8,500.

We believe that the only way the ODP can continue to expand significantly is by increased use of the immigration route to bring about family reunification. In the future political and budgetary constraints will limit the refugee route to cases of special humanitarian concern to the U.S., individuals who clearly face persecution because of their ties to the U.S. but who cannot qualify for immigrant visas. Meanwhile, the vast majority of Vietnamese refugees in the U.S. have now been here long enough to qualify for U.S. citizenship. As citizens, they should be urged to file immigrant visa petitions for their relatives to join them.

U.S. Admissions Policy

On the general subject of Indochinese refugee admissions to the United States, the Ray Panel's recommendations point in the same direction as your Report a year earlier, Mr. Chairman. The Panel concludes that the Indochinese program should have two components: a continuing refugee program for those who meet the legal definition of refugees; and an effective immigration program for those seeking admission to the United States on the basis of family ties.

Such a shift towards immigration processing was endorsed in Secretary Shultz's statement to this Committee last September, and it is now under careful review by the interagency study group to which I referred earlier. The Ray Panel suggested a number of steps to be considered in a transition period. There appears to be wide recognition that the time is at hand for such a shift of emphasis in our admissions programs.

Essential to this recommendation is the recognition that many of the 800,000 Indochinese now in the United States are or will soon be eligible, if they proceed with adjusting their status, to petition on behalf of relatives for admission as immigrants. The Panel endorsed the suggestion which also finds favor in your Report, that the private voluntary agencies should continue to play a key role in aiding these groups, regardless of their method of admission to the U.S.

Budget Situation and FY 1986 Admissions

In recent months all parts of the Executive Branch have been undertaking program reductions necessary to conform to the requirements of the Gramm-Rudman-Hollings legislation. In our case, in addition to applying the across-the-board reductions we have had to consider additional shifts in our limited funds to meet critical refugee assistance needs overseas. Life-sustaining care and maintenance requirements are expanding for refugees in Africa, the Afghans in Pakistan, the Cambodians on the Thai-Cambodian border, and for other groups in Southeast

Asia and elsewhere. These accelerating needs cannot be met out of the funds originally budgeted for this purpose, even before the Gramm-Rudman-Hollings reductions. In order to meet these highest priority needs, therefore, we have no alternative but to apply even greater cuts in proposed funding for FY 1986 admissions -- and thus in the numbers to be admitted -- beyond those mandated by the Emergency Deficit Reduction Act and Balanced Budget of 1985.

Revised FY 1986 Admissions

For FY 1986, we can foresee that we will be unable to utilize fully the 67,000 admissions ceilings announced by the President. Instead, we expect refugee admissions at about the 61,000 level.

The following chart shows the regional ceilings established for this year, and the projected number of admissions that we expect to be able to fund out of our budget after the shifts and reductions described above.

	FY 1986 Ceiling	Revised Admission Levels
East Asia/First Asylum	37,000	35,000
East Asia/ODP	8,500	8,500
Eastern Europe and UUSR	9,500	9,500
Near East/South Asia	6,000	6,000
Latin America	3,000	250
Africa	3,000	1,750
Total	67,000	61,000

We have substantially reduced the projected Latin American numbers because the government of Cuba has not resumed implementation of the Migration Agreement with the United States signed in December of 1984. The lower African admissions result from a moratorium on refugee movements instituted by the government of the Sudan. We have been forced to reduce expected admissions from East Asia/First Asylum by

2,000 in order to free additional resources for basic refugee assistance requirements particularly in Africa.

Mr. Chairman, the post-Gramm-Rudman-Hollings budget of $324 million for the State Department's 1986 refugee program has, as we expected, proven inadequate to meet the serious refugee needs the international community is addressing throughout the world. The impact of these reductions is magnified when one considers that up to a quarter of our budget is protected from reductions through statutory earmarking imposed by authorizations and appropriations actions. Therefore, because of the unavoidable and critical need to meet serious care and maintenance requirements of refugees in Africa and Southeast Asia, which exceed current budget availabilities, we have proposed to reprogram $9.2 million from the U.S. admissions program. This will result in the ability to fund only 61,000 new admissions. We regret this action, but believe we have no alternative given the urgent needs overseas and our reduced ability to meet them. Highest priority will have to be given to life-preserving programs.

Funding for FY 1987 programs could become even more limited, especially if the major reductions proposed in either the House or Senate overall budget resolutions are enacted into law. As you recall, the Administration's 1987 budget request of $22.6 billion for the international affairs budget function has been reduced to $17.9 billion and $17 billion by the Senate and House respectively. What these actions will mean specifically for the refugee program request of $347 million is, at this time, uncertain -- but it is likely to be substantial. Given that these funds aid almost 10 million refugees throughout the world, cutbacks of the magnitude now being discussed would have serious implications for the well-being of these vulnerable people. We urge the support of this Committee in assuring that adequate funds are provided for these vitally important humanitarian programs.

First Half FY 1986 Admissions

For the Committee's information, I am also providing the status of actual admissions to the U.S. as April 30, 1986:

	Actual Admissions (April 30, 1986)
East Asia/First Asylum	21,050
East Asia/ODP	4,970
Eastern Europe and USSR	5,260
Near East/South Asia	3,830
Latin America	21
Africa	450
Total	35,581

Drawing on refugees already in the refugee processing centers (RPCs) projected Indochinese admissions for the remainder of the fiscal year are expected to be close to the proposed reduced level of 35,000. Admissions under the Orderly Departure Program (ODP) are likely to reach the 8,500 ceiling.

Although admissions of refugees from the Soviet Union (primarily Soviet Jews) continue to run disturbingly low (511 as of the end of April), admissions of other categories of refugees from Eastern Europe should bring us close to the 9,500 ceiling.

In the Near East region, refugees are drawn primarily from Afghans (1,629 as of April 30) and Iranians (1,973 for the same period), and total admissions for the year are expected to come close to the 6,000 ceiling.

From Latin America, as noted above, we have been disappointed in our hope that the Cubans would terminate the suspension of the December 1984, Migration Agreement.

Admissions now total 21 Cubans from other parts of Central America and admissions for the year may well stay below 100 persons.

The shortfall from Africa, as I have mentioned is caused largely by suspension of processing in the Sudan. The suspension resulted initially from the government's moratorium on refugee movements, but has continued because of the current security situation and the withdrawal of American personnel. If we are able to move the 950 already INS approved in the Sudan we could still come close to the projected admissions of 1,750.

Actual Admissions in FY 1985

For comparison, actual refugee admissions in FY 1985 totalled 68,045 out of a ceiling of 70,000, as follows:

	Actual Admisions FY 1985	Regional Ceilings FY 1985
East Asia/First Asylum	41,972	42,000
East Asia/ODP	7,998	8,000
Eastern Europe and USSR	9,990	10,000
Near East/South Asia	5,994	6,000
Latin America	138	1,000
Africa	1,953	3,000
Total	68,045	70,000

Refugees in Africa

The budget shifts I have described have been driven to a large extent by the increase requirements for refugee assistance in Africa. The African refugee situation is complex and dynamic. Many countries are concurrently generators of and receivers of refugees; refugees may be returning home to some countries at the same time as their compatriots are fleeing into refuge. You will remember that during late 1984 and 1985, the number of refugees in Africa in need of international assistance grew from some 2 million to some 2.8 million. The dramatic increase was principally caused by the coincidence of drought and civil strife. The relatively abundant rains this year may signal an end to the natural disaster of drought, but do not necessarily lead to a solution to Africa's refugee problems. For example, Chadians who fled into Sudan may have been seeking food relief aid as much as they were fleeing the ravages of assorted bandits and tribal enemies. Although rains have returned, renewed fighting in Chad's internal war and the geopolitical interests of Libya, Sudan, and Chad (among others) conspire to keep many of those Chadians in Sudan and of concern to UNHCR. Elsewhere in Africa, the numbers of refugees able to return to their homes have been offset by new refugee flows. Therefore, the overall number of refugees in Africa remains fairly constant, though the composition of the total is changing.

Horn of Africa

With respect to the Horn of Africa, we continue to monitor closely the conditions which generate refugees. Two policies of the Government of Ethiopia - resettlement and villagization - appear to have caused significant flows of refugees into Sudan and Somalia. Resettlement is currently suspended, although the Ethiopian government has announced that it will resume later in 1986. We hope that any resumption will not be accompanied by the gross violations of human rights previously associated with the program. Villagization, which is purported to improve services by organizing communities into more easily assisted units, is an on-going effort to relocate up to 33 million rural peasants. As many as 70,000 people have arrived in northwest Somalia during the past six months, claiming that they are fleeing the effects of villagization. There have been a number of problems with the assistance effort in northwest Somalia since the Government of Somalia has decided not to move these new refugees away from the border to a more suitable site. However, the office of the United Nations High Commissioner for Refugees is organizing relief operations and conditions seem to be stabilizing. Of course, civil strife in northern Ethiopia is an on-going cause of major refugee flows into Sudan. And the Oromo Liberation Front is engaged in activities in western and southern Ethiopia that contribute to flows to Somalia.

Uganda

Another refugee emergency "hot spot" which we are watching closely is Southern Sudan - Northern Uganda. War in Southern Sudan has led to the collapse of traditional civil authorities. As a result, in early May, armed attacks were made on Ugandan refugee settlements. To date some 60,000 Ugandan refugees have fled home to Uganda. Uganda is currently enjoying a period of relative stability and so far has been able to reintegrate these returning refugees with remarkable ease despite rather widespread destruction in northern Uganda. Additional precipitous returns, however, could result in more serious problems for Uganda since there are as many as 200,000 Ugandan refugees still in Southern Sudan.

Southern Africa

There have not been the outflows from the Republic of South Africa that one might have expected given the current violence there. Rather, South African Government pressures on countries of first asylum - including the recent raids in Botswana, Zambia, and Zimbabwe - have caused UNHCR to relocate refugees to safer places of asylum. Our government has strongly condemned those raids and the Bureau has earmarked funds to help repair the refugee reception center in Zambia that was attacked. We are, of course, quite concerned about the potential for new refugees, including some who may simply be fleeing the widening violence rather than being associated with any of the banned organizations. We are continuing to work with our refugee officers in the neighboring countries to insure that contingency planning is done by the relevant international organization whose mandates require it.

If the number of South African refugees has not been growing dramatically, the number of Mozambican and Angolan refugees has. As many as 180,000 Mozambican refugees have fled to South Africa, Zambia, Zimbabwe, Malawi, and Swaziland since 1984. Over 100,000 new Angolan refugees have entered Zaire and Zambia last year and this year.

Refugee Aid and Development

African host nations are developing countries with limited resources to provide for their own citizens. We try to do our fair share of providing for the care and maintenance of African refugees through international organizations such as the UNHCR, ICRC, and WFP. However, there is also a need to pursue more lasting solutions through integration of refugee and development aid. These medium- and longer-term needs must not be forgotten in the process of responding to urgent life-saving demands.

Mr. Chairman, thank you for the opportunity to provide this mid-year report. I will be glad to respond to your questions.

Senator SIMPSON. Thank you very much.

Now, Alan Nelson, please. I will hold back on the timer, but watch very carefully.

Commissioner NELSON. Yes, sir.

Mr. Chairman, I also would like to submit our written statement for the record.

Senator SIMPSON. Without objection.

Commissioner NELSON. I would like to also acknowledge the presence of Richard Norton, our Associate Commissioner for Examinations, and Delia Combs, Assistant Commissioner for Office of Refugee Asylum and Parole who are present here and will be happy to respond also to questions.

Since the last annual consultation in September, there has been a great deal of activity in INS, of course, in conjunction with the State Department and refugee processing. For example, our Bangkok and Rome offices alone have conducted over 34,000 refugee determination interviews during the first 6 months of this year. There is a program underway for processing Baha'i minorities in Pakistan. The Khmer Review panel, established in November 1985, reviewed 631 cases of denied Khmer refugee cases and did a thorough job, indicating 9 percent of those should be reversed, the rest should stand.

We, along with others, have given assistance to the Ray panel and have worked with them in their study. I personally just this last week had an opportunity to be in Europe and review our work over there in Rome, and Vienna, and other locations, and am certainly very impressed with the job our people are doing.

As Mr. Purcell just indicated, I also was honored to attend with him this meeting in Geneva, which I thought went very well, with our Canadian, Australian, and Japanese representatives and the U.N. High Commissioner in his office. I think the meeting was very productive, as Mr. Purcell indicated, and if I could just take a moment at this time to express appreciation both for the job Jim did at that meeting, chairing the U.S. delegation, and overall for his excellent work over the next number of years, and on behalf of the Department of Justice, Immigration Service, and myself, personally, want to commend him for his outstanding work. We will miss him in the time ahead.

Going on, you asked me, Mr. Chairman, to comment on three important issues, and our testimony largely covers that in writing—one, being the adequacy of the priority system and the use of categories; second, the active refugee admission ceilings, and, third, the processing and reconsideration of the denied Khmer cases at Khao I Dang.

As far as the guidelines, I think there is a general sense that a greater, far greater, part of the population reaching first asylum countries is now increasingly comprised of persons seeking family reunification and quality of life improvement, rather than actually fleeing persecution or the fear of persecution. And I think we all, as Mr. Purcell indicated, are working on more durable solutions in that area. And we are certainly, in the Immigration Service and Justice Department, committed to a course of action that will give greater emphasis to normal immigrant visa processing where that is possible.

And we are working with the State Department in the whole development of processing priority definitions, consideration of what categories, and so forth, ought to be done; that is going forward, and we will certainly work with the committee in more detail on that.

Turning to the review of the denied Khmer cases, I think Mr. Purcell touched the basic issues. I will be quick on that. We have denied over the last number of years some 3,250 cases, which is about 15,000 Cambodian denials; those are the denied numbers. But we have accepted for resettlement approximately 70 percent of all Cambodian nationals offered for resettlement; nearly 90 percent of all Khmer applicants for U.S. resettlement have been approved—that is 140,000 persons. This is one of the highest overall approval rates of any nationality group.

And I used the example in Geneva, and I will use it again—we talk about how we look at things, the glass half full, the glass half empty; in this case, it is whether you look at the glass 90 percent full or 10 percent empty. I do not think there is any question that we have done an outstanding job in the selection process, very generous, and now of course, we have had a lot of inquiries and review of this 10 percent, and these reviews have been procedures where the voluntary agencies, the State Department and INS can all trigger review of cases. That was done thoroughly. In addition, of course, there was the followup again of a more detailed review. Each of those added some reversals and added it in.

We are convinced, and I know Ambassador Brown in Thailand is, the State Department and ourselves, that this process has been fair, thorough, and there is no basis whatsoever to continue to rereview and rereview. Always available is a case-by-case rereview when new evidence might come up, and we certainly concur with the Ray report in that regard, on an individual case-by-case basis, but not to do any continued rereview. I think that has been adequately covered from all aspects.

On the ceilings, Mr. Purcell has touched on that, and I will just summarize. Obviously, we will be coming to this committee and the Congress on the issue of what the mission ceilings should be for next fiscal year. We are not yet there. Mr. Purcell has given some indications. I think we would concur from Justice Department that the ceiling probably should be slightly reduced toward the normative ceiling established in the Refugee Act. And part of the consideration is some thought about whether there ought to be some reallocations within that. We will be working on that.

Clearly, the refugee ceilings established through the consultative process under the Refugee Act of 1980 are based on a variety of considerations. They include foreign policy needs and the interests of our country generally; the need to respond to emergency refugee situations; the whole first asylum country issues that tie into that; the anticipated numbers of qualifying applicants, and how the refugees will fare in this country—something Mr. Hawkes will be addressing, certainly—and the overall domestic budget situation. So, there are plenty of factors, and we look forward, Mr. Chairman, to working with you and the committee as we go forward in this important program.

Thank you.

[Statement follows:]

PREPARED STATEMENT OF ALAN C. NELSON

Mr. Chairman:

I appreciate the opportunity to appear before you today, on the occasion of this mid-year consultation, to comment on a number of issues of interest to the Subcommittee, and to respond to your questions regarding developments in the United States refugee program that fall within the Service's purview.

The months that have passed since the annual consultation of September last have been a time of much activity for the Immigration and Naturalization Service both in terms of refugee processing by our overseas district offices, and in terms of policy and program planning. By way of illustration:

- Service officers of our Bangkok and Rome District Offices, alone, conducted over 34,000 refugee determination interviews during the first six months of the fiscal year.

- INS processing of Baha'i and other Iranian religious minorities was initiated this past April in Pakistan, addressing a major concern in this area.

- A special Khmer Review Panel was established in November 1985 to conduct the review of 631 cases of denied Khmer refugee applicants considered by interested parties to most merit review and reconsideration of their applications. This unprecedented, supervisory review was concluded in February 1986, and resulted in the reversal of denial decisions in approximately nine percent of the cases.

- Service officers in the Bangkok District and at Central Office provided extensive technical support and assistance to the Indochinese Refugee Panel during its important and valuable review of United States refugee program policies and objectives in the East Asia region.

- Service personnel from the Central Office are participating in the special interagency group charged with reviewing the Indochinese Refugee Panel recommendations and with developing detailed policy and program recommendations for a new admissions processing regime for the region...one which more clearly recognizes the important distinction between refugee and family reunification admissions eligibilities.

° I have had the opportunity recently to personally review INS refugee processing and numerous other aspects of Service operations within our Rome District.

The Subcommittee has specifically requested Immigration and Naturalization Service comment on three important issues. These are: (1) the nature and adequacy of the present processing priorities system and the use of categories of likely targets of persecution in refugee processing in Southeast Asia; (2) the adequacy of refugee admissions ceilings for Fiscal Year 1986 and likely requirements for Fiscal Year 1987; and, (3) the processing, review and reconsideration of denied Khmer refugee applicants at Khao-I-Dang.

PROCESSING PRIORITIES AND CATEGORIES

There is growing sentiment within United States refugee program agencies that for certain regions, at least, the current processing priorities are in need of revision. This is particularly the case in Southeast Asia where, 11 years after the fall of allied governments in Vietnam, Cambodia, and Laos, the population reaching first asylum countries is increasingly comprised of persons seeking family reunification and quality of life improvement rather than of persons actually fleeing persecution or the fear of persecution.

The present priorities system, which enables United States refugee program consideration of Priority one through five cases is, in most first asylum posts in Southeast Asia, predominantly for family reunification cases (Priorities three and five). Because of the several notes to the priorities, the emphasis on family link cases is even more accentuated. With an increasing portion of the resettlement eligible first asylum population comprised of persons with family members in the United States who can, now, or in time, file immigrant visa petitions, we are committed to a course of action that will give greater emphasis to normal immigrant visa processing of such cases, absent the presence of a bona fide claim to genuine refugee status.

We are currently at work with the Department of State on a planned restructuring of the processing regime in Southeast Asia. One key element of that processing regime will be development of new processing priority definitions, definitions that will enable the United States refugee program to reach more precisely those who experienced persecution or have a well-founded fear of persecution. We expect to be able to brief this Subcommittee on the planned changes in the very near future.

The Service, in concert with this broader joint State/INS initiative, currently has under consideration revised Worldwide Refugee Processing Guidelines. The draft revised guidelines contain substantially revised categories of groups from the refugee generating countries in Southeast Asia who, objective evidence suggests, are likely targets of persecution by the communist regimes in Vietnam, Cambodia, and Laos. The proposed new categories, which, for objective reasons, are more restrictive in reach than those currently in effect, are, in our view, of continued need in our processing in Southeast Asia, and are of demonstrated practical value.

REVIEW OF DENIED KHMER REFUGEE APPLICANTS

No aspect of our refugee program operations has received greater attention from the American people or from within the Service in recent years than our processing of the Khmer refugee applicants at Khao-I-Dang camp in Thailand. Through a major film, The Killing Fields, and through several new documentary films and numerous personal accounts, the American people, and a much wider international audience, have been shown glimpses of the horror that befell this people and culture beginning in 1975 at the hands of the Khmer Rouge. Let us hope that the record of this tragic and shameful period of history will be kept alive. It is a continuing reminder to us all of why a strong United States refugee program is so vital.

In the course of our processing of Cambodian refugees during the past several years in Thailand, some 3,250 cases involving approximately 15,000 Cambodian nationals have been denied admission to the United States. Some of those denied have relatives in the United States. Several observers of United States refugee program processing in Thailand believe that some number of these cases have been unfairly denied. Some believe that the Government, in the interests of fairness and humanitarian concern, is duty bound to review anew the denied cases.

The Indochinese Refugee Panel, chaired by former Governor Ray of Iowa, indicated in its report to the Secretary of State that some additional review of the denied cases would be desirable. Others, including some who have fed too long at the trough of fiction, contend that not only should an additional review of the entire rejected caseload be conducted, but that such a review should employ guidelines that would effectively shift the burden of proof from the applicant to the Government, and in other ways assure a high approval rate.

Simply stated, the record of United States refugee program responsiveness to the Cambodian crisis, and the quality of the adjudications work that has been done to date in the Khmer refugee processing do not support the arguments of those who advocate for additional comprehensive reviews, and most certainly not for relaxed refugee determination standards. Let me briefly review that record.

The United States has accepted for resettlement approximately 70% of all Cambodian nationals offered firm resettlement opportunities outside the Southeast Asia region since 1975. Nearly 90% of all Khmer applicants for United States resettlement as refugees (approximately 140,000 persons) have been approved...one of the highest overall approval rates for any nationality group. These facts hardly square with the assertions of those critics who see phantoms being chased.

Very early on in the processing of Khmer applicants in Thailand and other first asylum countries of the region, it became clear that there were serious deficiences in the stock of information available to refugee program agencies about events within Pol Pot's Kampuchea during the period 1975-1979. The Department of State and the Service placed strong emphasis on developing that information and placing it into the hands of refugee officers and immigration officers. In part because of our interest to assure well-informed adjudications, a decision was made in 1983 to defer the adjudication of those cases requiring closer inspection until the latter stages of Khao-I-Dang processing. Further, the Department of State moved in 1983 to establish a team of ethnic affairs officers to interview applicants about whom questions were raised by their accounts in interviews with Joint Voluntary Agency caseworkers. Agreements were also reached among the refugee program agencies in Thailand to readjudicate a number of previously denied applicants if there were substantive reasons for doing so, or if an individual denied as part of another case merited reconsideration in his or her own right and could properly be separated from the originally denied case. Additionally, in 1984, the INS relocated its District Office to Bangkok and began to utilize more fully a permanent cadre of trained and experienced officer personnel.

As the previously deferred cases began to be presented for ethnic affairs officer interview and INS officer determination interviews in 1984, the approval rates began to decline. (The approval rate reached its lowest ebb (55%) in Fiscal Year 1985.) In response to concerns about the rising denial rate, in late 1984 the Bureau of Refugee Programs and INS undertook an major review of Khmer processing in Thailand with a special focus on the matter of how ethnic affairs officers and Service officers were applying the persecution of others test in screening and adjudications of the Khmer applicants. Its purpose was to assess whether the adjudications were being properly conducted and to determine what additional actions should be taken to strengthen the quality of the review and reconsideration process.

The results of this inquiry, "The Processing of Cambodian Refugees: Second Sentence Aspects", issued in March 1985, concluded that: these difficult adjudications were being conducted fairly, and in conformity with the applicable laws, regulations and policy guidance; and that substantial country conditions information was available to, and being utilized actively by, the ethnic affairs officers and immigration officers in reaching their findings and determinations. The report went on to recommend that the long-standing informal field review process should be strengthened and formalized. Indeed, this recommendation was acted upon by the Service and Bureau of Refugee Programs in February 1985.

Under this unprecedented review procedure, any party to the refugee processing activity at Ban Thai Samart -- the JVA team leader, the senior ethnic affairs officer or the INS team leader -- could present for review, reinterview and possible reconsideration any case which was considered to have been improperly decided. Between February and August 1985, 154 cases were selected for review and possible reconsideration. Many of these cases dated from the early period of Khmer refugee processing. The initial denial was confirmed in 84 of these cases, reversed in 44, and deferred in 26.

In June 1985, upon the completion of the processing at Ban Thai Samart, the field processing site for the Khao-I-Dang camp population to which we then had access, it soon became apparent to all parties that the review procedures established in February were too inefficient to continue. Accordingly, this procedure was suspended in August 1985.

In September 1985, Ambassador William Brown endorsed a plan for additional review of cases identified through a JVA survey of the denied caseload of Khmer applicants. At the completion of the JVA survey, INS concurred in the conduct of a supervisory review of 631 additional cases selected by JVA and the Refugee Counselor as being those most meritorious of review and possible reconsideration based on the JVA caseworkers' reading of the INS interview sheets. Included in this caseload were a substantial number of cases involving persons with relatives in the United States.

INS assigned two experienced professionals to lead this review on a full time basis until completion. The co-chairmen of the Khmer Review Panel were ably assisted by the JVA team leader at Ban Thai Samart, the senior ethnic affairs officer, the INS team leader for the Ban Thai

Samart processing, and a Cambodian born Refugee and Migration Affairs Officer. The co-chairmen were charged to: conduct an independent supervisory review of the cases presented; recommend for reversal any cases in which mistakes of interpretation or conclusion appeared to have been made; establish whether additional review appeared warranted, and if so, what form that review should take. The Khmer Review Panel worked from November 1985 until early February 1986. The co-chairmen determined that favorable consideration should be given in approximately nine percent of the cases (59 of the 631 reviewed). That is, they determined that the sum of the evidence in these cases warranted giving the benefit of the doubt to the applicant.

Based on their review of these 631 most meritorious cases, the co-chairmen concluded that the most appropriate way to address other case where a wrong or arguable decision may have been reached is through the same review and reconsideration procedures as apply in all other overseas refugee processing posts for all other nationality groups. This conclusion was endorsed by Ambassador William Brown and has been concurred in by my colleague Mr. James Purcell, Director of the Bureau for Refugee Programs.

We have accepted approximately 90% of all Khmer applicants for United States resettlement. We have undertaken a number of special reviews of denied cases. We accepted a plan to reach deeply into the 10% of the Khmer who were initially denied United States refugee program recognition to find those most likely to be approvable upon reexamination. We found approximately nine percent who could be approved. And we approved them. We have no basic disagreement with the recommendation of the Indochinese Refugee Panel that additional cases should be reviewed. But we conclude that such reviews are properly done on a case-by-case basis utilizing the same basic criteria and standards as apply in all other posts and for all other nationalities.

It is important to make several further observations on this issue. Those denied United States refugee program recognition have been denied either for serious credibility problems or for evidence indicative of participation with or the rendering of assistance to the Khmer Rouge on the part of the principal applicant or another member of the case. As there are usually several members in each case, there is every likelihood that in many cases there are completely innocent individuals who were themselves victims of the Pol Pot reign of terror. Where INS officers have been able to split cases to enable approval of such persons without violating essential family units, that has been done.

In reaching determinations on the issues of credibility or association with the Khmer Rouge, Service officers are informed and guided by a substantial body of published and unpublished information regarding conditions and events inside "Kampuchea" during the decade of 1970-1980. This information, much of it garnered through thousands of refugee interviews by Ethnic Affairs Officers and INS officers, encompasses such matters as the structure of Khmer Rouge organization in various parts of the country at various times, principal Khmer Rouge factions, patterns of persecution, forced labor practices and organization, Vietnamese invasion routes, and the structure and deployment patterns of the Khmer Rouge resistance in the post-invasion period.

Absent the rendering of widely varying accounts of personal history during the 1970-1980 period in the course of the sequence of interviews or within the same interview, and absent an indication of a serious security issue (i.e. a pattern of events strongly suggesting the possibility of a meaningful association with Khmer Rouge policies and practices), the Service officer gives the benefit of the doubt to the applicant. In fact, Service officers have given the benefit of the doubt in tens of thousands of cases where inconsistencies have appeared.

Those who have taken the time to observe the refugee determination interviews at close hand, as you have done, Mr. Chairman, know how difficult these determinations are. They know how seriously these determination interviews are approached by Service officers. They know just how large the stakes are for the applicant... for our country... and for those victims of persecution to whom we have offered protection and new beginnings.

Mr. Chairman, we have learned much from this chapter of United States refugee program experience in Southeast Asia. In a world of infinite resources, we could perhaps have had a more foolproof system for selecting in bona fide refugees and selecting out those who have no basis for finding refuge in this country. It is not a world of infinite resources. In retrospect, and when compared to the responses of all the other resettlement countries to the horrors of the Pol Pot era, I believe that our national response must be judged as extraordinary. We believe further that the men and women of the INS charged with the refugee determination responsibility in these cases have performed in a manner deserving of highest commendation.

ADEQUACY OF REFUGEE ADMISSIONS CEILINGS

As you know, Mr. Chairman, for Fiscal Year 1986, the following refugee admission ceilings were established:

Worldwide Ceiling: 67,000
- East Asia First Asylum: 37,000
- East Asia Orderly Departure Program: 8,500
- Eastern Europe and Soviet Union: 9,500
- Near East and South Asia: 6,000
- Africa: 3,000
- Latin America and Caribbean: 3,000

Importantly, these are ceilings, not quotas. For reasons beyond our control, actual admissions during Fiscal Year 1986 will be substantially lower than these ceilings. For East Asia first asylum, projected admissions are now 35,000. For the Orderly Departure Program, estimated admissions are placed at the authorized level of 8,500. Eastern European and Soviet Union admissions are also projected to be close to the ceiling, as are admissions from the Near/South Asia region. Africa region admissions are expected to be 1,600. Latin America and Caribbean region admissions are projected to be substantially below the ceiling in major part because of the continuing refusal of the Government of Cuba to reinstate the migration accord of December 1984. Total admissions worldwide will, consequently, be about 61,000.

The refugee admissions ceilings, established annually through the consultative process set forth in the Refugee Act of 1980, are based on a variety of considerations. These include foreign policy needs and interests of our country; the need to be able to respond to emergency refugee situations that may threaten maintenance of open first asylum policies on the part of front line countries; the anticipated numbers of qualifying applicants for United States refugee program consideration in first asylum or, in designated instances, their home countries; how well refugees previously admitted are faring in terms of attainment of economic self-sufficiency and social integration; and the overall domestic budget situation.

At the present moment, I believe it to be premature to comment on precise requirements for Fiscal Year 1987 admissions ceilings. Much can happen over the course of the next several months to invalidate even the most firmly held needs estimates. Absent major changes around the world, it is reasonable to believe that the global ceiling could be slightly reduced toward the normative ceiling established in the Refugee Act. At the same time, there may well be need and opportunity for substantial inter-regional reallocations of refugee admissions numbers.

We appreciate very much this opportunity to comment on these refugee program issues, and would welcome the opportunity to respond more fully to any questions you or other members of your committee may have.

Senator SIMPSON. Thank you very much, Commissioner.

And now, Phil Hawkes, please.

Mr. HAWKES. Good morning, Senator.

I am not as eloquent as the member of the diplomatic corps, my colleague, Mr. Purcell, but I too am leaving the post that I have occupied for the last 5 years, and I would like to tell you that it has indeed been a pleasure working with you and the members of your staff and other Senators' staffs who work so closely with us on the many immigration and refugee issues—some rather thorny. Over the last 5 years, it has been a very good time.

The Office of Refugee Resettlement will soon be directed by Bill Gee, who is seated on my left, a very able and capable person.

I would like to enter my statement for the record and just briefly outline some of the highlights.

Senator SIMPSON. Without objection.

Mr. HAWKES. I think I would like to start by mentioning that it was the expectation of those who framed the 1980 Refugee Act that the Refugee Assistance Program would be a short, transitional program which would assist refugees to become knowledgeable about the way of life in the United States and that very quickly they would get jobs and become self-sufficient, as millions of immigrants had done before them.

Unfortunately, and for a number of reasons, this has been unrealized for many refugees who have arrived in this country since 1980 and in fact since 1975.

Currently, over one-half of the 3-year population—about 55 percent of the refugees arrived in this country over the last 3 years—are on public assistance; and the range by State is from around 4 percent in some States to over 90 percent in another State.

Resettlement and secondary migration have tended to concentrate refugees in States with high welfare benefits, unemployed parent programs as part of their benefit package, and extended service programs, which have come to supplant work.

The range in dependency rates from 4 to 90 percent suggests, I believe, that something is wrong with the program as much as something wrong with the refugees.

It is hard to imagine that only literate, well-trained refugees settle in some States—such as Arizona with a 7-percent dependency rate; the District of Columbia with a 10-percent rate; North Carolina, which has a large number of Hmong and a 9-percent rate—while only illiterate refugees, incapable of taking work, settle in California with a 90-percent rate, Massachusetts with an 80-percent rate, Hawaii, with a 71-percent rate, or Washington State with a 74-percent rate. It would be unlikely that such differences are solely accounted for in the preparation of the refugees. To me, it looks more like a basic flaw in the program of resettlement in those States.

The dependency rate, by the way, does not in any case correspond to employment opportunities in those States and seems to fluctuate regardless of what entry-level jobs are paying or how many entry-level jobs are available.

The American Council for Nationalities Service, one of the voluntary agencies that does a fine job in resettlement, has done a study which showed that refugees on arrival were highly motivated to accept employment, but within 4 to 6 months after arrival became much more oriented toward extended service, increasing their skills, and entering the job market at the highest possible level.

We find that the refugee program in many States has become something that it was never meant to be, and that is a long-term service, training, and education program that actually provides services parallel to those already available in community colleges and adult education programs. I think it is important to point out that millions of immigrants, as well as millions of other Americans, take low-paying, minimum-wage jobs while they get training and education and gain skills for better employment opportunities. Somehow, we have allowed ourselves to be led down what I believe is a false path here to the effect that refugees should not have to do this, that refugees should get training and protracted English instead of going to work.

And in fact, it has even become a question that we are constantly asked by State administrators of these programs: Do you want immediate employment, or do you want long-term self-sufficiency—as if these were two different things. They are the same things. A person gets a job and then gains additional training while preparing to better himself or herself.

In retrospect, I think it is highly questionable whether or not this transitional cash assistance should ever have been rendered through the mainstream welfare program. The mainstream welfare program of this country is designed to deal with the single parent and a couple of children and is not responsive to the needs of refugees.

We have a legislative proposal which would place all newly arrived refugees on refugee cash assistance under the rules of that program, which are much more responsive to special refugee needs.

Let me turn briefly to Gramm-Rudman-Hollings. The Gramm-Rudman-Hollings Deficit Reduction Act caused a 4.3-percent reduction in ORR's programs. The major part of that was in cash and medical assistance, and we reduced 100 percent reimbursement to States from 36 to 31 months. That did not effect any refugees' benefits since after 18 months they receive benefits the same as any other American. It did affect a change in who financed those benefits, in that States now have to pay about 50 percent of the cost after the 31st month instead of after the 36th month.

We also made about a $3 million reduction in social services, but that figure, about $69 million remaining, was still well above the President's budget request and still well above what we thought was necessary to meet the needs of refugees. Because we have been under a continuing resolution for several years, several line items in our budget are well above what we would request to carry out those activities.

In fact, I do not think that Gramm-Rudman-Hollings cuts, present or projected, pose any real problem to the domestic refugee resettlement program. I think the real problem is the continued high funding for social services, including targeted assistance, which has fostered the services-in-lieu-of-work philosophy, and that is a much greater danger. This is not to deny real needs of such people as highland Lao, some of the rural Khmer, and some people from the Middle East, who in fact are incapable of taking immediate employment and perhaps do have extended service needs. But dealing with any year's arrivals, or with the 3-year population, the proportion of such people is relatively small, and the proportion of refugees who could seek and take immediate employment is much greater.

The dependency rate nationally is 55.5 percent. It is rising; it has been rising for the last 3 years, and that is in the face of the highest levels of social service dollars that we have ever expended in this program.

Thank you, and I would be pleased to answer questions.

[Statement follows:]

PREPARED STATEMENT OF PHILLIP N. HAWKES

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to present a discussion of the refugee and entrant assistance program of the Department of Health and Human Services.

Title IV of the Immigration and Nationality Act and Section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422) authorize a comprehensive program of cash and medical assistance and social services for refugees and Cuban and Haitian entrants. Funding for the program has been provided by a series of continuing resolutions since the authority to make appropriations expired at the end of fiscal year 1983. At the close of fiscal year 1985, 49 States, the District of Columbia, and Guam were participating in the Federal refugee resettlement program. In addition, 33 States and jurisdictions currently provide assistance and services on behalf of Cuban and Haitian entrants.

When Congress passed the Refugee Act of 1980, its intended goal was to provide a means by which the Federal Government would cover the costs of ensuring that refugees were provided with transitional assistance while they settled into life in the U.S., found employment, and pursued their interrupted lives. Most believed that refugees would make limited use of income and medical assistance programs, find work, and enter the economic mainstream.

Program experience over the past six years has left this expectation unrealized for many refugees. The single largest problem in the domestic refugee program is its cost as related to the high percentage of refugees who become dependent on public assistance. Currently over one-half of the refugees who have been in the country less than three years are receiving public assistance. In some States the number appears to be over fifty percent even after five years. Unfortunately, among recent arrivals (those in the country less than three years), most are not working and tend to be resettled in or migrate to States with higher than average welfare benefits and where extended service programs have come to supplant employment as the activity in which most refugees participate.

A case study of incoming refugees carried out by the American Council for Nationalities Service (ACNS) found that on arrival refugees were eager to find work and become economically self-sufficient, but that by the time they had been immersed in various services for four to six months their motivation toward employment had significantly decreased and been replaced by a desire for more English training, education, and employment-related services leading to "better job opportunities."

There continues to be strong support for the refugee resettlement program, but it is support for humanitarian relief and an immigration opportunity for desperate people rather than for expenditures for assistance not traditionally offered to immigrants. We fully endorse the concept that refugees should have opportunities--the same as other Americans have--to better their lives through education and upward economic mobility. However, the problem is that long-term training and services were never meant to be part of the special Federal refugee resettlement program. All immigrants arriving in the U.S. have these opportunities provided through other mainstream institutions, which are funded by private or public funds, such as adult education, community colleges, universities, and trade and business schools. There is a tradition among immigrants, as there is among many citizens, to work and go to school in order to qualify for better and better jobs. Millions of Americans, immigrant and native-born, many supporting their families, have worked their way through school, more often than not at low-wage, entry-level, sometimes menial jobs, during the evening or even graveyard (midnight) shift. Many refugees have also followed this path, but, we believe, not as many as could or should be doing so.

Somehow, in the current refugee resettlement effort, this traditional route to economic betterment has been undercut by a well-meaning generosity that has resulted in the current overuse of welfare programs. The resettlement programs in some States have strayed far off the course of early employment in favor of a course of enriched skills training, extended English language courses, job and economic development schemes, and prolonged welfare benefits for refugees who are attending school toward academic degrees, but who are in no significant way different from non-refugees working their way through the same institutions.

There is overwhelming evidence that many more recently arrived refugees could in fact be employed than currently are. Four to five hundred thousand immigrants plus perhaps twice that many illegals arrive here each year and do not impose a burden on public assistance programs. Many of the immigrants are enrolled in mainstream education and training programs which sometimes coexist in the same institutions with ORR-funded refugee-specific programs. The difference is that the immigrants are by and large working and paying their taxes, while many refugees are relying upon public assistance.

If the refugee program is to survive as a meaningful resettlement effort, it must re-commit its program efforts to early employment and to the delivery of those types of services which support early employment as the refugee makes the transition from a needy immigrant to a working member of the community in the shortest possible time. The very wide range among the States in refugee welfare dependency rates (from 4% to 90%) -- and their apparent lack of relationship to the availability of employment opportunities -- is strong evidence that changes need to be made in the way in which the program operates.

Our major objectives now are, first, to help more refugees achieve earlier employment and move toward self-support, which we believe is necessary to their long-term well-being in the United States, and, second, to obtain Federal cost reductions which are essential in our efforts to address the national deficit.

To achieve both these objectives, the President's FY 87 Budget and a draft bill which we have transmitted to Congress propose to 1) convert from the current categorical eligibility for AFDC, Medicaid, SSI, and special refugee cash and medical assistance to a more uniform and equitable eligibility policy designed to meet the unique needs of the refugee population, and 2) limit the substitution of Federal funding for the normal State share of program expenditures to 18 rather than 31 months after a refugee arrives in the U.S. These policies merely alter the funding source mechanism for refugee cash and medical assistance without changing the level of assistance received by welfare-eligible refugees and entrants. Special rules which permit refugees to receive benefits when citizens eligible for welfare cannot are similarly limited to 18 months.

The approved FY 1986 budget was for $427,861,000. Under the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 a budget reduction was mandated in the amount of $18,398,000. In order to achieve the sequestration required, a 4.3% reduction was taken under the ORR activities as follows:

State Administered Programs - Cash and Medical Assistance

The FY 1986 budget for Cash and Medical Assistance (CMA) was reduced by $11,643,000 as the result of the sequestering. In order to achieve this level of savings, ORR instituted a new program policy, effective March 1, 1986, whereby the special CMA provided to the States was limited to a refugee's initial thirty-one months in the United States instead of the thirty-six months previously given. No refugee lost benefits as a result of this change; only the extent of Federal payment of what is normally funding for the States was affected. Aid to unaccompanied minors was not affected by the new policy, and the special programs of Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) continue to be available during a refugee's first eighteen months in the country.

State Administered Programs - Social Services

Sequestering reduced funding for social services by $3,083,000. Funding for the refugee program by a series of continuing resolutions over the past three fiscal years in the face of declining refugee flows has resulted in a level of support for social services that exceeds historical per capita amounts. As a result, the reduced level of funding will still be adequate to meet refugee needs.

Voluntary Agency Programs

The reduction required by sequestering was $172,000. By reducing the maximum match available to non-profit organizations from $1,000 per refugee to $957 per refugee, the program is able to serve 4,000 refugees as intended.

Targeted Assistance

The reduction due to sequestering on FY 1986 Targeted Assistance was $2,150,000. Targeted Assistance appropriations for FY 1985 and earlier years are anticipated to carry most, if not all, projects through the end of March 1987. We did not request any Targeted Assistance funds for FY 1986 and consider the available funds not be needed.

Education Assistance

Gramm-Rudman-Hollings sequestering reduced funding for education assistance for children by $714,000. Due to past progress towards building the capacity in local educational systems to serve refugee school children and the reduced refugee admissions experienced in recent years, no education assistance funds were requested for FY 1986, and we continue to believe these funds are unnecessary.

Federal Administration

The reduction required by Gramm-Rudman-Hollings for the Federal Administration activity is $275,000. The amount will be absorbed through consolidating Regional Offices and reducing administrative costs.

Preventive Health

The $361,000 sequestration reduced funding available for grants to States for health assessments. The planned level of health assessments for secondary migrants will be reduced by 3,900 to a total of 15,300 with the numbers of health screening overseas and primary health assessments through the States being maintained at their budgeted levels.

In summary, Mr. Chairman, we do not consider the 4.3% Gramm-Rudman-Hollings reduction to be having any serious effect on the domestic refugee resettlement program in FY 1986.

I wish to thank you for the opportunity to address this subcommittee.

Senator SIMPSON. Well, I always appreciate hearing the lucid way you present things, all of you. And indeed, I am going to miss your good counsel—you, Jim Purcell, and you, Phil Hawkes. You, Jim, have brought a real continuity and steadiness to the refugee program, under continuing pressure to either increase admissions or, in some others, to decrease admissions. It is a tough job, and you have performed it very well, and you have been a very steady and pleasant and accessible person, and I appreciate that very much.

And Phil Hawkes, I know you began your Government service as Director of the Office of Refugee Resettlement. What a way to start. You have been most cooperative and available to me and to the staff and you have been a very strong supporter of providing necessary assistance to refugees while working very tirelessly to reduce unnecessary welfare dependency among some refugee populations. And the figures you give, again, are disturbing, as you say, in the light of the great social response that we have given in so many areas. You have been very realistic, and I am going to indeed miss your good advice.

And Mr. Gee, you already know what you are into, don't you?

Mr. GEE. Yes, sir.

Senator SIMPSON. After listening to that.

Mr. GEE. Right.

Senator SIMPSON. Well, let me ask a few questions of Jim Purcell, first.

Section 207(d) of the Refugee Act of 1980 states that, "The President shall provide for periodic discussions"—I said this in my opening remarks—"between designated representatives of the President and members of the Senate and House Judiciary committees regarding changes in the worldwide refugee situation, the progress of refugee admissions, and the possible need for adjustment in the allocation of admissions among refugees."

That is the quotation from the act. In that light, what are the most significant developments in the world refugee situation that this committee should be advised of?

Mr. PURCELL. Mr. Chairman, there are a number of developments that have occurred since we last met. Let me just run down them.

In Africa, we had assumed a refugee ceiling of 3,000. Since that time, we have seen the government that has replaced the Nimeiri government in Sudan put a moratorium on refugee resettlement out of that country. It was ended in March, but because of security concerns, we had to withdraw American presence from the Sudan recently. We will be returning a few over the next few weeks, but the situation there is still rather serious.

So for that reason, we will not be able to achieve the 3,000 ceiling; we are now estimating under our revised total approximately 1,750, and that again is dependent on the security situation stabilizing.

In Central America, we had also hoped that there would be headway with the Cubans in regard to the renewal of the migration agreement. That has not occurred. Therefore we expect to see admissions from that region of the world very small. We are now estimating probably no more than 250.

We had also hoped that there would be a breakthrough with regard to the ability of Soviet Jews to exit from the Soviet Union in greater numbers. That has not occurred. We expect to see admission of Soviet Jews. Through this part of the year, we have had 511, there again maintaining the trickle of admissions.

We have seen the UNHCR Orderly Departure Program almost grind to a halt. The Vietnamese expelled our interviewers January 1. We are in negotiations with them about the future of the program. I know, Mr. Chairman, this is an issue which you reviewed in your review, and on which I think we are in total agreement. We are talking to the Vietnamese about who comes out under this program. And we are hopeful that we can arrange agreement so that we can have a family migration program, utilizing normal immigrant visas, and that we can reach vulnerable humanitarian groups such as Amerasian children and political prisoners. We are in hard and serious negotiations with them.

We expect that those already interviewed will allow us to retain about the 8,500 ceiling that was set this past year, but the future of this program will be subject to later negotiations with the Vietnamese.

We have seen also, Mr. Chairman, as I mentioned in my opening remarks, the Gramm-Rudman-Hollings effect now beginning to showup. And it is my belief that under whatever level of funding we are given, we have to balance that out amongst the world's refugees. Although Southeast Asia will continue to be a vitally important region for this world, we have got to recognize that there are also vulnerable refugees in other parts of the world, and that we will have to do some hard soul-searching and prioritizing within current funding levels.

And as I mentioned, this year has led me to reprogram—and I have a letter now pending before relevant committees in the Congress to reprogram funds that will reduce our first asylum level for Southeast Asia to about 35,000.

We also have had the Khao I Dang closure, which will add a new element in the program for the Khmer. I will not go into that further.

We have also had the Ray Panel, which I think has done a rather exhaustive review of Southeast Asia. I think it has carefully and correctly analyzed the problems. It has set us on a course where I think we can actively pursue a two-track program in the future, one utilizing normal immigrant mechanisms for family reunion; and second, a refugee program for however long is necessary for those vulnerable people who continue to be the subject of persecution.

But overall, we see these events suggesting that given current priorities, our limited budget allocations will reduce our ability to bring people in and to finance them to about a 61,000 admission level. We believe that is a realistic number. And I will use the funds thus saved for programs in Africa and other parts of the world where millions of people's lives are in jeopardy.

Senator SIMPSON. Well, you answered all the questions I had in that one—no, you did not, not yet.

The levels you discuss, is there a possible need for adjustment in the allocation of admissions among refugees?

Mr. PURCELL. Yes. We are looking—let me say in 1986 for East Asia first asylum, we were 37,000. We believe that should be reduced in terms of actual admissions to 35,000. We believe ODP should stay at 8,500. Eastern Europe and the Soviet Union, we believe that 9,500 still remains a good figure; for the Near East, 6,000; for Latin America, given the lack of progress on the migration agreement, we believe the 3,000 figure—we will not bring in that number, but rather about 250—and in Africa, because of security concerns, the 3,000 number will be reduced to 1,750.

So we are seeing a readjustment, a reallocation within the numbers, an overall reduction from 67,000 to 61,000.

Senator SIMPSON. The worldwide refugee priorities system assists us in processing those people whom we have already determined meet the definition of refugee in the Refugee Act in 1980, and those are the priorities of P1 through P6.

Could you just briefly give a breakdown of overall refugee admissions by the refugee priorities for fiscal year 1985 and then a breakdown in priority for East Asia for fiscal year 1985 and fiscal year 1986 to this point?

Mr. PURCELL. OK. Mr. Chairman, I have figures that combine those periods, but the patterns are reasonably parallel between 1985 and 1986. The most recent data we have covers the period from October 1985 through May 1986, for which worldwide, about 35,000 people were processed by INS.

In Southeast Asia, we have no people in priority 1 since, as you know, that is a very limited category; 2 percent of the total—and the total here is about 25,000 processed and approved by INS—2 percent in P2; 25 percent in P3; 46 percent in P4; 20 percent in P5 and about 7 percent—these would generally be unaccompanied minors—in P6.

The distribution of the priorities in other regions reflects the peculiarities of those regions, and I have a table by region that breaks out the percents that I would be more than happy to put into the record, Senator, if that would be agreeable.

Senator SIMPSON. If you would, I would appreciate that very much.

[Information follows:]

Refugee Approvals by Processing Priority -- October, 1985 - May, 1986

(in percentage terms)

Region	Refugee Processing Priorities						
	P-1	P-2	P-3	P-4	P-5	P-6	Total
East Asia (first asylum)	0	2%	25%	46%	20%	7%*	100%
Soviet Union/Eastern Europe	1%	1%	12%	1%	5%	80%	100%
Latin America	100%	0	0	0	0	0	100%
Near East Asia	2%	1%	50%	39%	1%	7%	100%
Africa	4%	0	24%	0	24%	48%	100%

* primarily unaccompanied minors

Senator SIMPSON. Let me just ask, could you identify for us according to your information, and also that of the UNHCR, the major refugee populations of the world for which third country resettlement appears to be the only likely option?

Mr. PURCELL. Yes, sir. As I mentioned earlier, we estimate, the UNHCR does, there are almost 10 million refugees in the world. Third country settlement is probably now being applied for fewer than 200,000 of them.

The bulk of the refugee population of the world is being maintained and cared for by the United Nations, and the first two solutions are those of preference for them.

In terms of those for whom third country resettlement appears to be the only solution, I would say clearly, persecuted groups like the Baha'i in Iran, if they can get out, the only viable solution to them is third country resettlement.

I think you will find in many countries of the world political prisoners which will have no choice other than third country resettlement.

The only major region of the world wherein we have used this as a primary solution obviously has been Southeast Asia. That is historic. It has represented the characteristics of the flow and the agreements that were reached in 1979.

We believe third country settlement will continue to be an alternative of some importance, but it is certainly time to begin to pursue the first two solutions with our partners. And I have spoken with the U.N. High Commissioner in the meeting we had in Geneva this past week, and I think we will see a very active pursuit of the first two solutions in that region over the coming months.

The High Commissioner will in fact be travelling to Southeast Asia in September and will be conducting, I think, a very exhaustive review of that program.

Senator SIMPSON. The Refugee Act of 1980 states that, we cannot accept as a refugee anyone who does not meet the refugee definition, and that we should only grant admission to those refugees who are, "of special humanitarian concern," to the United States.

The Ray Commission has now recommended we resume processing some P6 refugees from Southeast Asia.

Do you believe that these refugees are of "special humanitarian concern" to the United States, or of greater special humanitarian concern than those in other parts of the world who are in need of third country resettlement?

Mr. PURCELL. I might mention historically, Mr. Chairman, that on May 1, 1982, we imposed a new policy which said that we would not consider for U.S. resettlement, any person leaving the Communist states unless they had some reported tie to the United States.

What we did was stopped considering for U.S. resettlement the P6's. The hope was this would add something of a deterrent measure and allow orderly programs within the countries of origin to develop.

We never said that these people were not legitimate and valid and persecuted refugees. The policy was to simply say that we would not consider them for the U.S. program.

It would be our hope that a range of durable solutions for the population could occur under the auspices of the new High Commissioner, but as with the Ray Panel, I believe that it is important to look at the long-stayer population, and to try to sort out humanitarian solutions for them.

I would be wary at this point of just entering into a processing program for P6's because of the likely magnet effect, but I think if we can establish a solution-oriented framework led by the U.N., and involving a range of other countries, that certainly, we ought to be pursuing it, and I think resettlement will probably be a necessary ingredient to that framework.

I do believe that these people certainly could be classified as of "special humanitarian concern", and it would be our hope that we can work out a range of solutions for them over a several-year period.

Senator SIMPSON. Let me ask—and then I will go to my colleague for any of his remarks—I was interested in your statement concerning the need for a two-track policy in Southeast Asia—that is the use of both the refugee and the normal immigration programs. The Ray Commission also endorsed this idea, but suggested only directing this policy toward those persons who have not yet arrived in the first asylum country. That, I think, would not meet the thrust of my initiatives and thoughts, because so many people now in the camps have relatives in the United States, and some have claims to refugee status which I think are questionable.

What are the State Department's views on this suggestion of the Ray Commission?

Mr. PURCELL. Well, the Ray panel did suggest that we continue the current population and the present guidelines. When we looked toward the future, they did suggest a 2-year transition period.

It would be our belief that in looking at the current populations, they ought to be processed under existing priorities, but that we certainly should look into that population, and any who can qualify for normal immigrant visas should be pursued in that course.

I think we would want to be flexible on that point. The Ray Panel has suggested a 2-year transition period after which all arrivals departing primarily for family reunion would go through normal immigration, and refugee admission would be limited to those who can meet on an individualized basis the persecution factors laid out in the Act.

But I think in our own review, that we would certainly suggest that those who presently are in first asylum who can qualify for normal immigration certainly should do so, and I think that is the way we will be proceeding.

Commissioner Nelson has indicated that we are looking presently at the current priorities and categories that we use in the region, and we will be attempting to leave the refugee route open to legitimate persecution, and for family-connected cases that, cannot qualify over this transition period for normal immigration. But I would agree with you, Senator, that we cannot ignore the fact now that there are some who are eligible, and we ought to pursue those cases very aggressively.

Senator SIMPSON. Well, it seems to me that there is a good deal of discussion about the two-track system, but that is about what it is: discussion. Everybody says, "My, that is certainly fascinating; we are all going to get right with that." But I do not see much action there, just a lot of magnificent rambling. And I think the proof is in the figures. So we get all concentrated on this Southeast Asia milieu, and forget what is going on with refugees around the rest of the Earth. That focus I guess is history, but we do not have to keep it that way in a distortion. That is of interest to me.

Well, let me recognize the presence of my friend, Senator Ted Kennedy, who is the Ranking Member of this subcommittee and who has had an interest in this issue for his entire Senate career. He has been of splendid assistance to me in my almost 6 years now, as chairman of the subcommittee—since we wrested the Senate away from his political faith. He has been a marvelous resource for me and very, very generous with his time and attention to the issues.

Ted Kennedy.

OPENING STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman. We will try and relieve you of this particular responsibility as chairman after the 1986 election.

I want to again say how much we appreciate your having these hearings today. This is a continuing process to oversee and support our refugee programs, and it is certainly one that I know our chairman is strongly committed to, as I am. It is always, I think, helpful in gaining this information, making it available to the members of our committee and to the Senate.

Let me continue to focus on the problems that we are facing in one important area in Southeast Asia, and that is where Indochinese refugees, because of family ties in the United States, are given the visas, but they are required to remain in many of the camps where there is real danger because of visa backlogs. Sometimes, they may have to remain 2, 3, or 4 years, sometimes even longer. And I know that one of the active suggestions that has been made, and one that you are familiar with, is whether you could not move ahead and parole these individuals into this country and then when the year comes up that they would otherwise have come here, you just subtract those numbers from the overall immigration ceiling at that time.

Why wouldn't that make some sense, once we know that those individuals have been approved for an immigrant visa—we know they will be coming—but and in the meantime, they are separated from their families, and in many instances living in a very tenuous circumstance—certainly true in many refugee camps in Southeast Asia.

Mr. PURCELL. I think that is an excellent point, Senator. We have, over the past few months, been working very closely with the Immigration and Naturalization Service to look at the implications of this Family Reunification Program that the Secretary announced last September.

We have found that it has been far more difficult to implement than we had anticipated, but I think the program is well underway.

We have been looking particularly at those classified as noncurrent immigrant visaholders, to which you refer. It is clear that over time, they will be allowed into the United States but will have to wait out their turn.

So we have been talking with the Immigration and Naturalization Service about the possibility of paroling those people in, and the discussions to this point have indicated that certainly, we will look on a case-by-case basis at those individuals, and assuming that there are no other factors that preclude them, that they can be considered for humanitarian parole.

It would certainly seem, I think, to both of us that we ought to give serious thought to these people and the dangerous conditions under which they reside, and I think we would certainly agree with the thrust of your question, and I believe you will see that that will be addressed, but on a case-by-case basis over the coming months.

Senator KENNEDY. When will that policy be implemented, do you know?

Mr. PURCELL. Well, it is my understanding that that policy will be inaugurated very soon.

Senator KENNEDY. Let me try one more time——

Mr. PURCELL. We have had discussions about it, but the Immigration Service will have to issue the directive, and my understanding is that that is presently underway.

Senator KENNEDY. Are we talking days or weeks or months or what?

Mr. PURCELL. I would think that we are talking weeks. But it is a very active issue, and the concern that we have is the same that you express, and I think you will see very quickly that we will be able to issue humanitarian parole on a case-by-case basis to those deserving and who are holders of noncurrent visas, assuming other emergent conditions exist and there are no disqualifying reasons to deny them.

Senator KENNEDY. Well, that is a partially encouraging response. I suppose there is no question that it will take some time in terms of the administration of it. But I find it troublesome that it takes weeks to develop whatever has to be developed to try and implement what is a pretty simple and fundamental recommendation.

Why is that so complicated?

Mr. PURCELL. Well, it is my understanding, sir, that we have to issue implementing guidance to the field; we have to set up the modalities in which cases can be identified, they can get to the appropriate authorities in the INS. I think the basic decision has been made; it is just a matter of getting all the necessary implementing measures in place.

I do not think it will be delayed. In fact, I have found those that I have been speaking with at the INS to be very receptive to the idea, but certainly needing to take a period of time to make sure it is done correctly, and we do not have glitches in it.

But I do not think there is any effort to delay.

Senator KENNEDY. OK. It was just about 1 year ago that I asked about refugees in Central America and whether there has been any admission of refugees from Central America, if any of them have been admitted to the United States or paroled in here.

Can you tell us?

Mr. PURCELL. Well, we presently are looking at a population in Central America of 60,000 refugees in Mexico, 108,000 in Honduras, and around 105,000 in Costa Rica. Many of those are located spontaneously in the cities of the region. About 120,000 of those are assisted by the United Nations High Commissioner for Refugees.

We are continuing to follow the policy as laid out by the U.N. to which we are signatories, that we will support the countries of the region to bolster safe first asylum. We are the largest contributors to that, and we are working very carefully with them. And it is our belief that as long as safe asylum exists in the region that that should be our priority.

So we are not at this point looking at large scale refugee admissions to the United States.

We have also been working quite actively with the new U.N. High Commissioner and his staff in the region about possibilities for aiding further the asylum governments, and of bolstering some voluntary repatriation where that may be possible. We are in Mexico, for instance, helping to relocate as quickly as possible those refugees now located in dangerous situations along the border. There are two new sites further inland. About half of that population has already been relocated.

But it remains our policy that we should follow the durable solutions that the United Nations worked out and try to bolster safe asylum, look at voluntary repatriation and regional settlement to the degree that that can be done.

We have indicated that we will take refugees in priorities 1 and 2. We had hoped to have some breakthrough on the Cuban agreement, but that has not been possible. We are at this point continuing to look at the whole fabric of Central America. We will certainly want to talk to the committee at our annual consultations in September about the overall situation there and the role that third country resettlement ought to play.

But at this point, we are not encouraging large-scale resettlement to the United States.

Senator KENNEDY. Well, as a general policy statement, there would be very little that anyone could question in that. But let us get somewhat more specific. Have there been any political prisoners from Cuba that have been in jail and requested to come to the United States recently?

Mr. PURCELL. Well, certainly, we are addressing a group of 75 political prisoners that had been identified to us by the U.S. Catholic Conference. We would certainly like to get agreement to bring that group in. We had hoped that the renewal of the migration agreement would permit that.

Commissioner Nelson has had some discussions on that; perhaps he might want to describe where we are on that.

Commissioner NELSON. Yes. Well, certainly, congratulations to you, Senator Kennedy, and Jerry Tinker and Mr. Craig and others for your excellent work on the *Montero Duque* case, and we are pleased to have worked with you on that.

I think as Mr. Purcell indicated, we obviously are concerned and interested in political prisoners, but I think it is important that we put it in the larger context of the Mariel Agreement, which was an excellent agreement for both countries, normal immigration plus the United States taking political prisoners, refugees, from Cuba and they in turn taking the criminals that they sent to this country or who committed crimes when they came here, and it is very important for our country to get a quid pro quo, also.

So we are hoping that things will move along, that we can start getting back into discussions on that agreement. And we will continue, of course, to look at all aspects of that.

Senator KENNEDY. Well, I think all of us understand the importance of getting that agreement back ontrack. That is clearly the most effective way to deal with this issue over any period of time.

But I am just wondering in the meantime if there were individuals who were political prisoners, perhaps opponents to the regime, who were released and wanted to come to the United States, what would be our policy on that—individuals that were opposed to the Castro regime?

Commissioner NELSON. Senator, again, there is obviously a lot of balancing, and it is hard to give a single answer without knowing the particular circumstances——

Senator KENNEDY. Well, have you granted any? Have you granted any visas, say, in the last 3 months?

Commissioner NELSON. I do not know in visa numbers—of course, we were involved in the process when Castro canceled the agreement 1 year ago. I do not know in the last few months whether there have been any visas granted, but I do not think they have allowed any to come forward, either.

It is very important as a negotiating tool that we not continue to set people on a one-way street. That is not to take away from the idea we need to deal with political prisoners, but it is much more important for everybody that we get this overall agreement which is in everybody's interest because it allows normal immigration, and it allows the political prisoners to come in.

Senator KENNEDY. Well, with all respect, I draw a distinction between normal immigration and political prisoners—individuals who have been in prison and served there as political opponents to the regime, and——

Commissioner NELSON. Well, that is part of the agreement, too.

Senator KENNEDY [continuing]. And want to come to the United States. And I gather from what you are saying is that if those had been political opponents to Castro and served because of political opposition and wanted to come here to the United States, that they would not be permitted to do so at this time—despite our previous policy of accepting them?

Commissioner NELSON. No, I did not say that, Senator. I think it is a combination of——

Senator KENNEDY. Well, if you can tell me, then, how many have you accepted?

Commissioner NELSON. I do not know the numbers. We can provide that for the record.

Senator **Kennedy**. Well, you have some staff here. My understanding is you have not given any. And if you have given some, then let us find out.

Commissioner **Nelson**. Well, they have to be released from Cuba by Fidel Castro first of all, and that has not been the case, as you well know. And we are talking, but it is——

Senator **Kennedy**. I am not so sure, Mr. Nelson, and that is what I am trying to find out. I have some preliminary information that some political prisoners have been released, individuals that have served in prison for a very considerable number of years, and have indicated a desire to come to the United States, and their requests have not been favorably considered. I would like to just explore that with you.

Commissioner **Nelson**. Well, Senator, I would appreciate receiving from you and your staff that information, and we would be most pleased to look at it.

Senator **Kennedy**. OK, fine.

Commissioner **Nelson**. I am not aware of that. We have had problems with getting information from the Cuban officials, but again, I would like to reiterate, because I think it is important policy consideration for this country, that we adhere to the fact that it has to be a two-way street.

Senator **Kennedy**. Does it have to be a two-way street if they are political prisoners? Are you going to say that they cannot come here until the agreement is reinstated? This is what you are getting back to.

Commissioner **Nelson**. Well, I do not think you can get to an absolute, black-and-white situation. Obviously, we want to be consistent with accepting political prisoners. However, you cannot accept an unending number whom Castro might decide to send out, if we are not getting something in return. I think you have got some basic foreign policy things——

Senator **Kennedy**. I am not talking about normal immigration. I am talking about those who have served in prison because of political opposition to Castro and whether our policy at the present time, on the issue of political prisoners, whether they are permitted to come here to the United States.

Commissioner **Nelson**. Senator, I think another element, one is that they are released from the Cuban facilities and are allowed to leave—that is, of course, their government's decision. The other is that we have to be able, under our normal procedures, to verify that these are the people that they are supposed to be and that they are not in fact other criminal types that might be pushed out.

We were victimized in 1980, and we do not want that to happen again.

Senator **Kennedy**. I could not agree with you more. The only point I want to make is if you received an authentic political prisoner who had been in jail, what would be the policy of the United States?

Commissioner **Nelson**. We would, Senator, have to review that on a case-by-case basis. Again, I think it is important, and I will reemphasize once more, if that agreement can be reinstated, that would cover the situation. So that is clearly the best way to go, and that does not exclude other considerations, but I think it is important for this country.

Senator KENNEDY. Well, perhaps you would supply for the committee at least what, if any, visas have been granted to any political prisoners, say, in the last year.

Commissioner NELSON. I would be happy to.

Senator KENNEDY. I also understand that you requested about 1,000 refugee numbers for Central America; and thus for the United States has accepted only 21, and they actually were all Cubans. I guess that was before the breakdown in the negotiations. Am I correct?

Commissioner NELSON. The 21 figure, Senator, is Cubans that have been accepted from locations other than Cuba, at other third country locations yet this year. We had anticipated that the agreement would be renewed and that we would be able to reach several thousand political prisoners. That has not happened, but we certainly are open to any refugees that we can get at who do showup at third country sites, which they frequently do.

Senator KENNEDY. Well, how many refugees have we accepted from other countries in Central America?

Commissioner NELSON. We figure throughout the year, the figure is going to be low. It is probably going to be no more than 250. Up to this point, I think the 21 figure is the number of Cubans that have been accepted so far this year.

Senator KENNEDY. But 250 political refugees from Central America?

Commissioner NELSON. Well, we are hopeful that we can get some more out from other locations. You know, we do process in Panama, Costa Rica, and Madrid. We do not really know. It is a case-by-case basis. But we are hopeful that we can get as many as can reach that point and that we can renew the agreement with Castro.

I think it is critically important that we reinstitute the political prisoner program.

Senator KENNEDY. But, there are certainly other areas of attention in Central America that we hear about, and I am just trying to figure out what number of political prisoners we are accepting from those other countries in the area.

Mr. Chairman, I would like to, if I could, submit some questions with regard to refugees from South Africa, what we are anticipating happening there. If I could submit those, I would appreciate some response from the administration.

Thank you.

[Statement follows:]

PREPARED STATEMENT OF SENATOR EDWARD M. KENNEDY

I want to commend our Chairman, Senator Simpson, for calling this hearing to provide the Subcommittee with an opportunity, mid-way through the fiscal year, to review our worldwide refugee programs. This oversight is in the spirit of The Refugee Act of 1980 which called for a very close collaboration between the Congress and the President in setting and maintaining United States refugee policies.

This collaborative effort is necessary not simply to sustain strong public support for our humanitarian efforts overseas, but it is also a recognition of the fundamental importance refugee problems have in our Nation's foreign and domestic policies. As I have noted before, refugee issues must be of deep concern to the American people, not only because they are part of our country's long humanitarian tradition, but because we know that refugees pose critical foreign policy problems for us and the international community. We know from recent history that massive movements of refugees can unbalance the world's peace and stability as much as any arms race or political or military confrontation.

The challenges we face today around the world have only grown since our consultation last year.

While the refugee problem in Pakistan remains unchanged, where nearly 3 million Afghans have fled violence and repression in their homeland, their continued presence poses increasingly complex relief and political problems. And in Southeast Asia, the flow from Indochina continues unabated, creating a growing backlog of refugees and other migrants in need of assistance.

In Africa -- already the continent with the most number of refugees -- the new and escalating violence in South Africa threatens to produce a further tide of refugees into neighboring southern African states. And in recent days we have seen the brutal violation of international law and the international protection of refugees with the armed attacks by South African forces on UNHCR refugee camps. Clearly, refugee assistance and protection issues will grow in southern Africa in the days ahead, and our country must be better prepared to act firmly in support of programs to protect South African refugees.

Finally, in Central America -- in our "back yard," as the Administration is fond of noting -- we continue to face urgent refugee and other humanitarian issues. But instead of talking about the spectre of "feet people" swarming north to justify further U.S. military aid and an escalation of the conflict, we should be pursuing a policy of diplomacy and negotiation that can truly help bring peace and relief to this troubled area -- and one which will also allow refugees to return to their homes.

So, Mr. Chairman, I welcome this hearing and look forward to working with you and the Administration in support of our overseas refugee programs, and in welcoming those refugees coming to our country as well.

InterAction
American Council for Voluntary International Action

The Honorable George P. Shultz
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

May [illegible], 1986

Dear Mr. Secretary:

The voluntary organizations represented on the Committee on Migration and Refugee Affairs of InterAction welcome and endorse the overall thrust of the report of the Indochinese Refugee Panel which you appointed. While we also support most of the specific recommendations, we are concerned that the Panel's suggested approach to the border Khmer does not go far enough, particularly in support of family reunification. We believe a limited refugee processing program is required for this population.

As organizations who have been deeply involved for decades in assistance to refugees throughout the world, we are extremely concerned about the safety, humane treatment and eventual fate of the thousands of Indochinese refugees who remain in countries of first asylum in Southeast Asia. In our view, the Panel has demonstrated through its report a clear understanding of the complex problems still confronting refugees and host governments in Southeast Asia, as well as the need for the United States to continue its leadership in finding solutions to their plight.

We urge you to continue the initiatives generated by the Panel and press vigorously for the implementation of its recommendations. In this regard, we urge with equal vigor that you designate a senior person to be attached to your office who would coordinate this activity within the departments of State and Justice, with the Congress and the members of the Panel itself. In the meantime, our Committee will put forward practical suggestions that we trust will be helpful in realizing the goals of the Panel. These suggestions will be sent to you shortly.

We are appreciative of the opportunity we had to present the views of the Committee to panel members last October before they traveled to East Asia. We are anxious to participate in the next steps needed to assure that the initiatives generated by the Panel not be dissipated.

Sincerely,

Karl D. Zukerman

Karl D. Zukerman
Chairman
Committee on Migration
and Refugee Affairs

Executive Vice President
HIAS

on behalf of:

Wells C. Klein
Executive Director
American Council for Nationalities Service

Rev. Nicholas DiMarzio
Director
Migration & Refugee Services
U.S. Catholic Conference

Jan Papanek
President
American Fund for Czechoslovak
Refugees

Douglas Powers
Deputy Director
Buddhist Council for Refugee
Rescue and Resettlement

Dale de Haan
Executive Director
Immigration & Refugee Program
Church World Service

Rev. Donald O. Bjork
Associate Executive Director
World Relief

Robert P. DeVecchi
Executive Director
International Rescue Committee

Rev. Donald H. Larsen
Director
Lutheran Immigration and Refugee
Service

Charles Morton
Executive Director
World Concern Development
Organization

Janusz Krzyzanowski
Executive Vice President
Polish American Immigration
and Relief Committee

Rev. Canon Samir J. Habiby
Executive Director
Presiding Bishop's Fund for
World Relief
(The Episcopal Church)

Leon O. Marion
Executive Director
Tolstoy Foundation

John E. McCarthy
President
International Catholic Migration
Commission

Dr. Charles E. MacCormack
President
The Experiment for International
Living

David L. Guyer
President
Save the Children Federation

Dean Hirsch
Director
World Vision Relief Organization

Joel H. Lamstein
President
World Education

REFUGEES
INTERNATIONAL

June 17, 1986

Senator Edward M. Kennedy
113 Russell Senate Office
  Building
Washington, D.C. 20510

Dear Senator Kennedy,

I am pleased to submit to you the enclosed "Critique of the Report of the Indochinese Refugee Panel". This paper has been endorsed by the following organizations:

Concerned Virginians for
  Cambodian Families

Federation of Lao Associations

Indochina Resource Action Center

Lutheran Refugee and Immigration
  Service

U.S. Catholic Conference
  Migration and Refugee Service

U.S. Committee for Refugees

World Relief Refugee Services

We urge you to consider this paper in view of the upcoming mid-year consultation on refugee policy and programs of the Subcommittee on Immigration and Refugee Policy which will be held at 10 a.m. in Dirksen 226 on Friday, June 20th.

We hope you will raise the issues discussed in this critique and ask the witnesses for their specific plans for implementation of the Ray Panel's recommendations.

We will be pleased to answer any questions you may have regarding the enclosed critique.

With best wishes,

Yours sincerely,

Susan Goodwillie

Susan Goodwillie

cc: Mr. Jerry Tinker

Encls.

SG/cs

CRITIQUE
# of the
REPORT
# of the
INDOCHINESE REFUGEE PANEL

June, 1986

Prepared by

REFUGEES INTERNATIONAL
Washington, D.C.

INTRODUCTION

We welcome the Ray Panel report's recommendations and, in general, find them positive and worthy of our support. The parameters of an improved U.S. policy for Indochinese refugees have been laid out; the burden is now upon the U.S. government to quickly and effectively implement the Panel's recommendations. Although we find the Panel recommendations gravely lacking in specifics on a number of crucial issues, we feel that they provide the framework for successful resolution of the continuing refugee crises in Southeast Asia.

Our objective in this critique is to highlight those Panel recommendations that we find particularly commendable and appropriate, note our concerns where we find the recommendations fall short, and suggest specifics for implementing the policies that have been recommended. We unanimously support the Panel's initial assertion that, for refugees in Southeast Asia, "the job is not over."

How to preserve first asylum in Southeast Asia while addressing the problems of declining resettlement offers and increasing residual populations

We welcome the call for a strengthened U.S. government commitment that will ensure adequate international support for resettlement and relief. More specifically, we strongly support the recommendation that the U.S. government "begin processing refugees from the current population with no ties to the U.S. (P-6)", taking into account length of stay in first asylum camps and other specified "compelling" circumstances. We also concur with the concept of "sharing out" the remaining refugee populations, noting that the potential for international burden-sharing will be realized only to the extent that the

U.S. is willing once again to demonstrate aggressive interest in the resettlement of Indochinese refugees.

We agree that all resettlement countries must make a concerted effort to resolve the plight of "long-stayer" populations still languishing in first asylum camps, but deeply regret that the Panel made no recommendations concerning "residual" Vietnamese refugees in Hong Kong. Like the Panel members, we feel that repatriation to Vietnam is not an alternative for this or any other Vietnamese refugee population.

Whether and how to shift Indochinese family reunification cases from refugee flows to immigration channels

We strongly endorse the recommendation that refugee admissions remain "available for those (who qualify)...regardless of location, date of arrival, family relations, or other criteria of eligibility." This recommendation, of course, is simply a recognition of the mandate of existing law. That law, however, is not being applied with respect to many persons who may well qualify as refugees eligible for resettlement in the U.S. What is called for is enforcement of existing law rather than merely a restatement of it. We endorse the call for adequate admissions numbers to be authorized in the annual consultations to provide for such refugees.

With respect to the "phasing in" of an effective immigration program, we do not believe that such a program, given the circumstances of the population it intends to serve, can be effective if, as the Ray Panel recommends, it is implemented "with the same procedures used by the United States throughout the world." The situation of Indochinese refugees in Southeast Asia is simply not comparable to that of other immigrants awaiting U.S. visa issuance in their home countries. Given the marginal circumstances in which most Indochinese refugees are living, it is neither practical nor appropriate for them to be subjected to the normal immigration processing delays. Their fragile existence mandates expedited immigration visa processing for those who qualify.

We applaud the Panel's recommendation for an extended and generous use of humanitarian parole, and urge the U.S. government to act on this recommendation speedily to move those who are being separated from their family members in the U.S. only by the lengthy delays of U.S. immigration processing. They simply cannot wait in first asylum camps for the one or two or ten years it will take for their visa numbers to become current.

As is recommended in the attached Khmer family reunification proposal, persons who are beneficiaries of approved immigrant visa petitions, but for whom visas are not currently available, should be admitted using the Attorney General's parole authority. These humanitarian parolees would remain in this status until their immigrant visas become current, at which time they would adjust their status.

We fully support, and are ready to assist in, the implementation of an active outreach program to encourage family members in the U.S. to become U.S. citizens and to file immigration petitions for their relatives. We regret, however, that the report makes no mention of the unusual delays that already are occuring in the processing by the State Department of immigration visa applications for which current numbers have been assigned by the INS. This situation calls for, and we propose to carry out, a concerted effort to implement and test these available channels for the sponsorship of Khmer family members in Thai camps.

Although the call for maintaining a refugee admissions program is clear, the Panel's report makes no mention of how to revitalize what has become an essentially moribund refugee admissions program. Nor does it clearly address the continuing need for refugee resettlement after the proposed transitional two-year period.

We endorse the Panel's call for a study of benefits for Indochinese refugees and immigrants. As a coalition of private sector organizations, we stand ready to offer our assistance and full cooperation in carrying out such a study.

Finally, although the Panel's report refers to the desirability of safe alternatives for those resorting to clandestine flight from their countries of origin, it makes no specific recommendations for exploration of an orderly departure program from Laos or Cambodia. We note that there have been a few instances of direct departure from Vientiane for the U.S. Establishment of a "Khmer ODP" could serve as a deterrent to future border flight and perhaps allay fears of the "magnet effect" of border processing. We urge that such alternatives be pursued vigorously at the earliest possible opportunity.

How to make the Orderly Departure Program a more effective alternative to clandestine flight, including ways to gain the release of the re-education camp prisoners?

As the present problem in ODP appears to be the backlog of cases approved for departure by the Vietnamese but not yet accepted by the U.S., we strongly support the Panel's call for a speedy resolution of that backlog by the U.S. authorities. As of mid-April, the biggest portion of the backlog were people granted exit visas by Vietnam to depart as refugees, but whose authorization by the U.S. had not yet been given to the UNHCR because of the lack of sufficient numbers to move them (8,500 for ODP in FY86). In addition, we urge the U.S. authorities to do whatever is necessary to move cases which have been approved (more than 5000 people), all of whom are awaiting reunification with close family members in the U.S. Having survived many years waiting for Vietnamese processing and the attendant denial of basic rights, U.S. delays forcing them to wait even longer cannot be condoned.

We also support efforts to expedite the departure of Amerasians and their families, including possible revision of the existing legislation and the offer of unlimited admissions numbers for Amerasian refugees.

We endorse the Panel's recommendation for vigorous U.S. support of anti-piracy programs, noting that the ability of UNHCR to rally anti-piracy efforts will depend on the continuing financial support and diplomatic efforts with the Thai of the U.S. and the international community. We note with particular concern in this regard the closing of Songkhla camp and the possible closing of the only UNHCR office in southern Thailand. As refugees continue to arrive by boat the closing of these facilities leaves them in jeopardy. We further support private initiatives in response to continuing acts of piracy.

We agree with the Panel that the U.S. should take all available measures to encourage the release of reeducation prisoners by the Vietnamese government.

We note that early in the report the Panel states that the fundamental cause of the refugee problem in Southeast Asia is Vietnam's "repressive and expansionist policies." We agree with this analysis, but note that while U.S.— efforts to "isolate" Vietnam have not deterred SRV expansionism or repression, they have ensured the continuance of dismal conditions within Vietnam from which people still flee.

How to respond to the continuing arrival of Lao in Thailand and to the Royal Thai Government/UNHCR border screening program

The panel recommends that the United States should "support the Royal Thai Government/UNHCR screening program for Lao arrivals" but makes no mention of the need to strengthen its effectiveness, ensure that all new arrivals have access to it, and see that it is fair. We believe that this is a serious shortcoming that deserves priority attention.

The recommendations concerning "safe return" of Lao who do not qualify as refugees and an expanded voluntary repatriation program do not, we believe, go far enough in specifying a mechanism to ensure that mistreatment of returnees by the Lao authorities does not occur. Such a mechanism is essential.

We support the Panel's recommendation for the continued processing of lowland Lao refugees, but are concerned by the lack of a similar recommendation for highland Lao who may qualify and desire resettlement in the U.S.

We appreciate the Panel's recommendation that consideration be given to "developing self-sufficiency programs by international funding for highland Lao who cannot return to Laos and do not seek third country resettlement." Here again, however, we regret that the report is not more forthright in encouraging dialogue with the Royal Thai Government to encourage specific initiatives, with financial support from the United States and other industrialized nations, to develop opportunities for local settlement of Highlanders in Thailand.

Again, we strongly endorse the Panel's call for initiatives with the Lao government and with Lao residing in the U.S. towards a legal departure option for those desiring to join family abroad.

How to proceed given the new situation along the Thai-Cambodian border which has placed more than 245,000 displaced Khmer in evacuation sites in Thailand

We agree that the U.S. government should assist UNBRO, ICRC, and the Royal Thai Government to "ensure the safety of all border camps as much as possible from Vietnamese attack" and that security measures within present sites should be "enhanced through additional guards and patrols, increasing training, and better communications". We would add that ICRC's protection mandate should be "monitored and strengthened" by the establishment of a visible and effective international presence inside the border camps at all times.

We strongly oppose the Panel's adoption of the Administration's decision not to undertake refugee processing of border Khmer. The attached family reunification proposal appropriately calls for a discreet border refugee processing program involving U.S. processing priorities three and five. We believe that such a program can and should be implemented without producing a significant "magnet effect".

We applaud the Panel's call for the U.S. government, in coordination with other concerned countries, to "expedite admissions processing for Khmer on the Thai-Cambodian border for those eligible for immigrant visas and Visas 93" and for the generous use of humanitarian parole. We note with concern, however, that the IV and Visa 93 applications that have been made have thus far been of little effect; whatever bottlenecks exist in the process must be resolved. Further, if humanitarian parole is to be "used generously for especially compelling cases", then clear criteria for such cases must be established without preference or prejudice to where cases reside or how long they have been in Thailand.

We fully concur with the Panel's recommendation that the U.S. work for the establishment of a border education program. In order for such a program to proceed, however, the U.S. government must take the lead in negotiations with all parties involved to propose a multilateral program that will not augur permanence, will address the pressing educational needs of the 100,000 school-aged Khmer children along the border, and will be permitted by Thai authorities.

The Panel has recommended that the U.S. "assure that the remaining denied Khmer are reviewed." We strongly agree, but regret that the Panel's report stops short of specific proposals for a fair and equitable review, given the woefully inadequate process of review to date. We commend to Congress, the Department of State, the Department of Justice, and other authorities concerned the recommendations contained in Stephen Golub's Issue Brief, "Looking for Phantoms: Flaws in the Khmer Rouge Screening Process," recently published by the U.S. Committee for Refugees. This document provides the framework for the implementation of a new and more just review process. Such a program is needed immediately, not only to remedy what many believe to be unfair denials in the past, but also to demonstrate to Thai authorities our continuing commitment to fair and comprehensive refugee processing for the Khmer.

We support the Panel's recommendation for the processing of "family card holders" in Khao I Dang, but are concerned that a similar recommendation was not made with respect to "ration card holders". We believe that both groups merit immediate processing as refugees.

We fully concur that Khao I Dang camp should be kept open but we doubt the viability of the recommendation that the Royal Thai Government should be "pressed" to do so until solutions "other than U.S. resettlement can be developed for this group." Until the U.S. Government comes to terms with the residual population in Khao I Dang by implementing a decent review of rejected cases, its credibility with, and influence on, the Royal Thai Government is severely weakened.

We also concur that "return to the border should be carried out only on a voluntary basis" and assert that any return to the border _without_ the willing concurrence of returnees would be in direct violation of international law.

Finally, we support the Panel's recommendations that "land Vietnamese on the border, including those without ties to the U.S., should be processed as rapidly as possible for resettlement as refugees" and that they should be fully protected from Vietnamese military attack, as well as from surrounding populations. Despite the recent relocation to Site 2 South, we reiterate the need for physical protection of land Vietnamese from the continuing threat of rape and theft at the hands of Thai bandits and Khmer rebel forces.

How to ensure the continuing effective leadership of the UNHCR in seeking multilateral solutions to these problems which will maximize international burdensharing

The United States should not only "support" but must, by its very history, take the lead in encouraging the "efforts of the new High Commissioner to strengthen the principle of international burden-sharing and to improve UNHCR efficiency and effectiveness."

In this regard we strongly endorse the proposal for the appointment of a senior representative based in Southeast Asia to carry out regional programs on the High Commissioner's behalf.

We also agree that "traditional donors and others should be encouraged to increase financial support for UNHCR and other refugee-related international organizations." We strongly believe, however, that any attempts to convince other countries to renew their participation in refugee resettlement and relief can succeed only to the extent that the fundamental precedent of renewed U.S. participation in and support for these efforts is clearly demonstrated.

We agree with the recommendation that the U.S. should continue to provide its fair share of refugee relief and resettlement support and urge that the implications of Gramm-Rudman-Hollings cuts be specified to ensure such continued support.

In conclusion: the overall recommendation of the Panel's report is that international participation in Southeast Asian refugee resettlement must be renewed. We could not agree more. But given our American heritage as a nation of refugees, our more recent history in Southeast Asia, and our role as leader of the free world, the United States can call for renewal only by restoring our previous commitment to the resettlement and relief of refugees from Indochina. The burden is on us; we must now move forward aggressively to demonstrate our willingness to adhere to these principles.

COMMENTS AND RECOMMENDATIONS OF THE VOLUNTARY AGENCIES
CONCERNING REFUGEE ADMISSIONS FOR FY 1987

A Statement of the Committee on Migration and Refugee Affairs

of the

American Council for Voluntary International Action

(InterAction)

June 18, 1986

The worldwide refugee population has surpassed the ten million mark and appears to be increasing. Having survived persecution and deprivation, these refugees now seek daily sustenance in countries beyond their homelands. The fortunate among them will be able to return home or resettle in contiguous countries with familiar climates and ways of living. The less fortunate must depend upon the generosity of the international community. They will require resettlement opportunities in third countries where they will have to learn a new language, new customs and new lifestyles.

Since 1980, refugee admissions to the United States have declined, while the number of the world's refugees has steadily increased. From a high of 159,252 in 1981, projected admissions for FY 1986 will slightly exceed 60,000, a greater than 60% decrease. Although the international community agrees that third country resettlement is the least preferred solution for refugees, it remains the only permanent solution for some.

The United States has taken the lead among countries protecting and resettling refugees. Other nations look to us in the determination of their own policies of resettlement. Our international leadership in refugee resettlement has relieved the pressure on countries of first asylum, assuring the continuing existence of safe haven for people driven from their homes by persecution, civil strife and/or conditions of war. This vital aspect of our refugee policy must be maintained.

America has extended its generosity to the refugees of the world, and refugees have benefited our society. Representing many cultures, they have enriched the American multi-cultural milieu, bringing with them values that honor and nurture the family; respect the importance of industry and hard work; and promote the pursuit of education. Refugees demonstrate the vitality of our democratic society while they personify and rejuvenate our American value system. The vast majority become productive members of our communities and of our work force. These are benefits which are extremely difficult to quantify.

We of the voluntary resettlement community are concerned that as the world refugee crisis grows, commitment to resolving this problem may be diminishing.

America has long nurtured an ambivalence to strangers. The Emma Lazarus poem at the base of the Statue of Liberty has not always expressed the reality of our historical experiences. We like to think of ourselves as a welcoming and generous people, but we grow nervous when our cities fill up with "foreigners" who speak different languages, dress differently than we and practice customs we are unused to. The causes of our apprehensions are many and complex; we fear that "strangers" have different values from "us", that they have different aspirations and hopes for themselves and their families. We have prejudices and basic inchoate fears. Much of the debate around immigration and refugee related legislation in the present Congress reflects these fears. It is important to set the record straight in our talks about refugee admissions so that we may realize the overwhelming benefits of a generous resettlement policy and to think of it as an expression of our best traditions and highest values.

Voluntary agency staff, congregations and volunteers continue to be dedicated to assisting refugees in their adjustment to American society and to facilitate their becoming contributing members of their communities. Individuals and communities across the nation work diligently to help newcomers make the transition from refugee to citizen. We frequently read headlines such as "Indochinese Adapt Quickly to U.S. Life", "Committee to Help Refugees Work on Housing Problems" or "Families Help Refugees Unwrap Christmas Joys". They reflect the stories of individual refugees and their helpers; long hours of work, challenge and accomplishment. More often than not, success stories remain untold. Yet they are visible in the new businesses springing up in every major city, in the extraordinary educational accomplishments of refugee children, in the increasing movement of refugee families to suburban communities and small towns.

The national program of resettlement is overwhelmingly successful in the long term, although refugee use of public assistance is high in some regions of the country. The voluntary agencies, in partnership with the Administration and Congress, are taking agressive steps to address this vexing problem where it exists. Through the use of Fish/Wilson programs, voluntary agencies and state and local governments are planning and implementing demonstration resettlement projects, utilizing several models of resettlement in an attempt to solve problems of unnecessary welfare use. The matching grant program, originally a highly successful innovative program to resettle Soviet Jews, increasingly is being used with excellent results by voluntary agencies to mainstream refugees of diverse ethnic backgrounds. In addition, the voluntary agencies have implemented tightened case management systems which track and coordinate the many facets of refugee resettlement, engendering greater efficiencies and avoiding duplication of effort.

We are painfully aware of the budget limitations under which Congress is operating this year. Hard choices must be made. We believe, however, that the refugee admissions program has taken the sharpest cuts it can and still offer hope to refugees. The dimensions of this problem require our most humane and generous response.

RECOMMENDATIONS

The voluntary agencies of the Committee on Migration and Refugee Affairs of InterAction recommend 63,000 overall refugee admissions for FY 1987, as a minimum number, not as a ceiling. Furthermore, we recommend that there be no limit on Orderly Departure Program admissions. We suggest the following regional allocations:

Africa	5,000
Eastern Europe and the Soviet Union	10,000
Latin America and the Caribbean	3,000
Near East and South Asia	10,000
Southeast Asia	35,000
	63,000
Orderly departure program	No limitation

Africa

It is estimated that there are currently over 3 million refugees in Africa. For the vast majority, resettlement outside the continent is not necessary, advisable, or even desired by the refugees themselves. Most refugees in Africa are able either to obtain haven within the continent or eventually to repatriate. While we propose an increase in the admissions ceiling for Africa from 3,000 to 5,000, this figure remains quite modest in comparison to the massive dimensions of the continent's refugee problems.

There are a number of situations in which resettlement outside the continent is necessary.

First, the government of Sudan should vigorously be encouraged to resume processing of select Ethiopian refugees for resettlement in the United States. Approximately 900 persons remain in that country who already have been found qualified for the U.S. program but may not be able to depart Sudan this fiscal year. Admissions numbers should remain available for them. In addition, there will continue to arrive in the Sudan, as well as potentially in Somalia and other parts of the Horn region, a small number of Ethiopians in need of resettlement because of their inability to return to Ethiopia and unsuitability for local resettlement. In Somalia, for example, the integration of Amharas from Ethiopia is proving extremely difficult, if not impossible. Resettlement outside the region will likely be necessary for members of this group.

Second, a small number of Ethiopians in Djibouti should be processed for U.S. resettlement. The proposed group represents but a segment of the Ethiopians remaining in Djibouti following a successful repatriation program conducted by UNHCR. These Ethiopians could not return to Ethiopia under that program due to their urban or political background and they have been unsuccessful in supporting themselves in the extremely depressed Djiboutian economy. A voluntary agency survey team two years ago interviewed many in this population and discovered an estimated 250-500 persons with family or other ties to the United States. This situation should be corrected as quickly as possible so as not to hold out a magnet to others in Africa. Those countries in Europe providing temporary asylum hope for at least a family reunification program for these cases.

Third, a small resettlement "escape valve" is necessary in Southern Africa in such areas as Lesotho and Botswana. Lesotho is a classic example of the necessity of such a relief mechanism. South Africa surrounds it and Johannesburg has not hesitated to use economic sanctions and military incursions to keep the country from providing refuge to South Africans. Uganda and Kenya have agreed recently to provide temporary haven for some South Africans from Lesotho. However, the United States could also play a significant protection role -- as well as contribute to the stability of Lesotho -- through the resettlement of a small number of persons for whom no option is available in the region and who desire resettlement outside Africa.

Fourth, U.S. resettlement should also be made available to marooned African refugees -- primarily Ethiopians -- with U.S. ties or who otherwise qualify for the U.S. program. Such resettlement is currently afforded those who transit Eastern Europe. (A number of Ethiopians undergoing training in Eastern Europe have fled to Western Europe.) However, it is not available to those who proceed directly from Africa to Western Europe, as such persons are generally perceived to have circumvented the refugee program existing in Africa itself.

It is our contention that Ethiopian refugees proceeding directly to Europe should receive the same consideration as those in the Sudan. Our offices in Europe report the presence of several hundred Ethiopians in Greece, Italy, Austria and Germany who are not being received for resettlement in Europe and who, if they had applied to the U.S. program in Khartoum, would likely qualify. It is important to note that many Ethiopians have no option for escape other than direct flights to Europe.

It is therefore recommended that an admissions allocation of 5,000 be established for Africa, to be informally alotted as follows:

Sudan	2,000
Africans in Europe	1,500
Djibouti, Somalia and other situations	1,000
"escape valve" in Southern Africa	500

Latin America and the Caribbean

The U.S. should admit refugees from a variety of countries in this region under an allocation of 3,000, or set admissions for the region at a much lower level. Although not present stated policy, present practice is to admit only Cubans -- 21 in this fiscal year to date. Even Cuban processing appears to be on hold since six INS-approved Cuban ex-political prisoners in Madrid were indefinitely denied admission numbers in May.

Proposed admission levels in the past few years have ranged between 1,000 and 3,000. Actual admissions, however, do not even remotely approach these levels. In 1984, the U.S. admitted 46 refugees from the region, all Cuban. In 1985, 150 refugees were admitted, again, all from Cuba.

We are encouraged by the resumption of talks between the U.S. and Cuban governments and hope that they will have a positive outcome. In particular, we call for the renewal of the Cuban political prisoner program. If negotiations on a broader range of issues should founder, we would hope that the United States would press for the release of all political prisoners and agree to admit them as refugees along with their immediate family.

We agree with U.S. refugee policy and its emphasis on voluntary repatriation and local settlement where possible. Many Central and South American refugees may ultimately be able to return to their homelands, and for them resettlement in the U.S. is not the best answer. But there are more than 389,000 refugees in Latin America, only a few of them Cuban. The U.S. should offer an opportunity for resettlement to some "other than Cuban refugees".

About 300,000 of the refugees in the region are located in Central America. Canada and Australia have active resettlement programs for these refugees. Canada resettled 4,045 Central Americans in 1985 -- 3,380 as refugees and 665 under a special humanitarian program. U.S. refugee policy in Central America should follow the Canadian lead.

Particularly compelling among Central American refugees are those who have neither UNHCR protection nor have they permanently settled in nations of first asylum. Many are undocumented, and have been unable to integrate in their new environment. This is especially true of urban refugees, and the U.S. should consider some for resettlement due to their emergent cicumstances. Other refugees with close ties to the U.S. should also be given an opportunity for resettlement. In addition, a small number of Chileans should be resettled in the United States.

U.S. resettlement can provide a safety valve for first asylum nations and thus provide greater protection for refugees remanining in camps. Specific inidividuals in UNHCR camps in Honduras could be resettled, for example, when protection problems arise, thus ensuring better protection for remaining camp residents.

The U.S. could maintain a refugee resettlement program which would facilitate the protection of refugees in the region by the allocation and use of 3,000 numbers. Limited, case-by-case resettlement of individuals who are in need of immediate protection directly out of their home country could be a critical aspect of such a program in Central America.

But if the U.S. continues to process, within this quota, only small numbers of Cuban refugees, the allocation number should be reduced accordingly and the Latin American regional numbers should be used in other regions of the world.

Eastern Europe and the USSR

The flow of refugees from Eastern European countries to Western Europe has increased slightly over the past year. The number of Eastern Europeans registered for third country resettlement with voluntary agency offices throughout Western Europe grew from 11,000 in January, 1985 to 15,400 in December, 1985. Austria and Germany continue to shoulder the largest burden as nations of first asylum for this refugee population. They have urged the United States and other Western nations to maintain or increase resettlement quotas in order to permit their own hospitality as providers of safe haven to continue. The Swiss have the highest proportion of refugees to population in Europe -- one refugee for each 150 citizens.

The recent expulsion of Eastern European refugees by Switzerland and that country's newly adopted restrictive asylum policies underscore the tenuous character of asylum in Europe, even for Eastern European refugees.

While the Soviet Union has permitted the recent emigration of a handful of spouses of U.S. citizens, almost no other emigration from the USSR is tolerated. We strongly support efforts to reestablish Soviet Jewish emigration, and we stand ready to assist in the resettlement of Soviet refugees in this country.

Lately, many countries in Western Europe have become nations of safe haven for Sikh, Iranian, Tamil, Afghan and other asylum seekers, which has in turn led governments to tighten asylum policies, resort to increased use of detention and deportation, and to implement other deterrent measures to discourage new arrivals. The growing influx of asylum seekers has had some negative effect on Western European hospitality toward refugees from the Eastern bloc.

It is therefore essential that the United States maintain a generous ceiling for resettlement from Eastern Europe and the USSR to help alleviate the pressures which are increasingly being felt in many parts of Western Europe. We recommend a 10,000 allocation for the region, which will contribute to a more welcome climate for all refugees in Western Europe.

Near East and South Asia

The Near East and South Asia has a disproportionate number of the world's refugees. Fortunately, the vast majority of these refugees are being provided haven locally. But a steadily growing number are seeking asylum in Europe and applying for resettlement in the United States. Presently, the regional backlog of cases already exceeds the Department of State FY 87 budget request of 6,000 numbers. For this reason and also due to the political conditions described below, we recommend a minimum allocation of 10,000 for this region, an increase of 4,000 over last year.

The ongoing Soviet occupation of Afghanistan, the continuing Iran/Iraq war, unresolved growing violence and civil strife in Sri Lanka, and the persecution of religious minorities and dissidents in Iran create new refugees daily. Kurdish minorities are under attack in Iraq, Iran and Turkey. Pakistan alone is supporting close to three million Afghans as well as thousands of Iranian Moslems, Bahais and Jews. Over two million UNRWA registered Palestinians remain in the region with no solution to their situation in sight.

Regional conditions currently leave little or no opportunity for voluntary repatriation, which has resulted in increased demand for refugee processing. Because of limited availability of numbers, the U.S. has restricted its refugee processing to those applicants who fall into priorities 1-4. (During FY 85, the U.S. finished processing P 5-6 refugees who had registered prior to 10/15/84.)

We believe that the unsettled circumstances and the scope of the refugee problem require a regional allocation in FY 87 of 10,000, which would permit some alleviation of the existing backlog and the possible expansion of refugee processing beyond priorities 1-4.

Southeast Asia

There are 147,000 refugees in first asylum in Southeast Asia, not counting the 230,000 "displaced" Cambodians on the Thai-Cambodian border. Some 33,000 are Vietnamese boat people, located in every first asylum country. The other 114,000 are land Vietnamese, lowland and highland Lao, and Cambodians inside Thailand. The total numbers are slightly reduced since a year ago, but new boat and land refugees arrive in first asylum nations each month.

The past year has produced clear indications that the United States is winding down its resettlement of Southeast Asian refugees. This policy is being implemented despite the continued outflow of people from Vietnam and Laos, the continued conflict in Cambodia, and the fact that virtually no legal emigration options exist for those inside the three "Indochinese" countries.

We believe that special efforts must be made at this time to preserve first asylum in the region, and that a viable and generous resettlement policy must remain the cornerstone of U.S. policy toward Southeast Asian refugees and host ASEAN nations.

With the exception of Thailand, Vietnamese boat people are the only refugee population currently in first asylum throughout the region. They continue to flee although the journey is dangerous and many encounter vicious pirate attacks along the way. Since 1982, the U.S. has denied resettlement opportunities to Vietnamese boat people who do not have special ties to this country -- so-called priority 6 refugees.

We strongly endorse the Ray Commission's recommendation that P-6 processing for Vietnamese refugees be reopened to reduce the size of this "long-stayer" population and alleviate the pressures on first asylum nations. We believe that U.S. processing of P-6 refugees should be part of an international effort to address the issue.

In addition, we recommend that P-6 processing be explored for other refugee populations in first asylum in Thailand, again in concert with the international community.

We are also concerned about the fates of new refugee arrivals in Thailand; we have heard increasing reports of forcible pushbacks of lowland Lao and Hmong refugees attempting to flee across the border. In view of these incidents, and the failure of the Lao government to cooperate in the return of those determined by the Thai government not to be refugees, we fear that the entire "screening" process may break down, with negative consequences for all Lao who seek safety outside their homeland.

The most serious protection and resettlement related problems are, however, associated with Thailand's Cambodian border. The refugees housed there are particulalry vulnerable and "at risk", as the recent shelling of Site 8 indicates. It is to this cauldron that those now in Khao-I-Dang who are not accepted for U.S. resettlement will be bound within several months, according to Thai officials.

We are pleased at the recent decision to process for U.S. resettlement those in priorities 1-5 among the "food card holders" in

Khao-I-Dang. However, we believe that the U.S. should consider as potential refugees all Cambodians inside Thailand, including the "ration card holders" in Ban Phu and a limited number from sites along the border, and that some Cambodians previously rejected for the U.S. program should be reconsidered.

We also support the admission of eligible Cambodians through immigration channels, as proposed by Secretary of State Shultz on September 28, 1985. However, we are disturbed that only a handful of the eligible immigrants along the border and in Khao-I-Dang have, in fact, been moved to the United States. We are also concerned for the fate of approved immigrants whose visas are not current; because of their emergent circumstances, we believe they should be moved to the United States immediately, under humanitarian parole, and adjust status when their visas become current.

To account for the resettlement of currently eligible populations, as well as those we believe should be made available from P-6 and Cambodian border populations, we recommend the allocation of 35,000 numbers for South East Asia.

Orderly Departure Program

We are dismayed at the recent end to UNHCR interviewing of new applicants for the ODP program. We support a strong, fully operational ODP program and we hope for an early resolution to the current stalemate.

We have some concerns about U.S. implementation of ODP. At its inception in 1979, ODP was intended to reduce the numbers of refugees who risked their lives to flee Vietnam by boat. But over the years, aspects of ODP processing have become encumbered by overly restrictive and bureaucratic requirements, unnecessarily limiting the number of beneficiaries and prolonging the approval process.

ODP requires comprehensive documentation of potential cases, including the submission of original documents obtainable only in Vietnam or simply not available, such as marriage certificates for aged parents or pre-1975 Vietnamese ID cards. While adequate documentation is clearly necessary, we believe that solid secondary documentation should, in most cases, suffice.

We have encountered difficulties with the processing of families composed of immigrants with both current and non-current visas. Repeatedy, families have been divided as current cases are permitted to move while non-current family members are forced to stay behind. Such a policy is unlikely to reduce clandestine boat departures as families seek to maintain unity.

Another chronic problem has been the admission through ODP of Amerasian children as unaccompanied minors who are placed into foster care in the United States while their Vietnamese foster parents are denied entry to this country. ODP often requires extensive documentation in order to consider foster parents for the United States program, yet legal adoption or formalized foster care have not been common practice in Vietnam.

We understand that the intent of stringent ODP processing is the avoidance of fraud, and we concur that care must be taken to prevent the admission of ineligible individuals under the program. However, we ask that greater sensitivity and flexibility be exercised in the determination of ODP cases, and we believe that such improvements in U.S. ODP processing would be of significant help in reducing the existing backlog and resolving the current impasse in the program.

The critical humanitarian nature of ODP makes it crucial that full, normal processing be restored. In order to emphasize our commitment to legal emigration alternatives and to the special interest populations of Amerasian children and those confined to reeducation camps in Vietnam, it is important that there be no limitation on the program and that we are able to admit as many individuals as possible through this humane channel as both immigrants and refugees.

American Council for Nationalities Service

American Fund for Czechoslovak Refugees

Buddhist Council for Refugee Rescue and Resettlement

Church World Service Immigration and Refugee Program

Hebrew Immigrant Aid Society (HIAS)

International Rescue Committee

Lutheran Immigration and Refugee Service

Polish American Immigration and Relief Committee

Presiding Bishops Fund for World Relief (The Episcopal Church)

Tolstoy Foundation

World Relief

United States Department of State

Washington, D.C. 20520

June 25, 1986

AUG 8 REC'D

Dear Mr. Chairman:

Following the June 20 mid-year consultations on refugee programs, at which Mr. Purcell appeared, additional questions were submitted to be answered for the record by Senators Simpson and Kennedy.

Please find enclosed the answers to those questions.

With best wishes,

Sincerely,

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
As stated

The Honorable
Alan K. Simpson, Chairman,
Subcommittee on Immigration and Refugee Policy,
Committee on the Judiciary,
United States Senate.

SOUTH AFRICA

QUESTION: What is the reason for the relatively low number of admissions from Africa during FY 1985 and so far in FY 1986? In particular, I understand that a group of 900 Africans, approved for refugee status, have not been provided with the proper arrangements to leave the country. Could you enlighten us on these issues?

ANSWER:

-- During FY 1985, 1,953 African refugees were resettled in the U.S. To date 445 African refugees have been resettled in the U.S. during FY 1986.

-- Relatively few African refugees require resettlement outside of the region. Our program has aimed at those who cannot be assimilated locally, for example, urban Ethiopians and South Africans.

-- Historically, most of our African refugees have been Ethiopians processed from the Sudan. However, in November 1985 the Government of the Sudan imposed a moratorium on all refugee departures. Although the moratorium has now been lifted, refugee departures, have been temporarily halted due to the recent Embassy evacuation.

-- Approximately 300 refugees were able to leave the Sudan after the moratorium on departures was lifted and before the Embassy was evacuated.

-- We remain hopeful that an additional 900 approved and travel ready refugees in Khartoum will be allowed to depart for the U.S. once resettlement operations can safely resume.

QUESTION: The Administration's testimony indicates that the recent violence and repression in South Africa has yet to result in any increased flow of refugees. However, there has been a steady increase in the number of refugees over the past year. What is the Department's current estimate of the total number of refugees from South Africa, where they are located, and what the projections are for the remainder of the year?

ANSWER:

-- Drawing on information from the UNHCR and from our refugee officers in the field, we count just over 22,000 South African refugees in need of international assistance. They are located in African countries of asylum as follows:

Angola	9,000
Botswana	600
Lesotho	200
Mozambique	400
Nigeria	1,000
Swaziland	7,000
Tanzania	250
Zambia	3,000
Zimbabwe	450
Others	350

-- It is important to point out that in arriving at estimates of the number of South African refugees, those South Africans in exile who are adherents of the liberation movements and who are under the care of those movements - for example, attending ANC-sponsored schools in Tanzania - are not included as they are not in need of assistance from the UNHCR.

-- Predicting refugee flows is, of course, a very difficult business. We anticipate that there will be more movement of South African refugees northward from the countries of first asylum bordering the Republic of South Africa. Such movements would probably number in the tens, rather than in the hundreds, of people. Heretofore, most refugees leaving South Africa have been associated, at least at the beginning of their flight, with various "banned" organizations. With the widening violence in South Africa, we may see more refugees who are unaffiliated and who are simply fleeing the violence. For the remainder of 1986, we would project any new outflows from South Africa to involve only hundreds, rather than thousands, of people. Over time, refugee flows could be much larger depending upon the course of events in Southern Africa.

QUESTION: The United States has condemned the military raids by South African forces on refugee camps in neighboring countries, and the U.S. is also contributing to the UNHCR program to repair the damage. What is the nature and scope of our assistance? What further steps is the Administration prepared to take to help assure international protection of South African refugees under the mandate of the U.N. High Commissioner for Refugees?

ANSWER:

-- We are earmarking up to $15,000 of our pledge to the UNHCR Africa program toward the costs of repairing the damage to the Makeni Resource (Refugee Reception) Center just outside Lusaka, Zambia, which was hit by the South African raid.

-- The Administration has strongly protested the South African raids both publicly and privately to the South African Government.

-- In support of the UNHCR, we have, on a bilateral basis, urged countries of asylum in Southern Africa to continue to respect the principle of first asylum and to cooperate with the UNHCR as the non-political representative of the whole international community charged with refugee protection.

-- We recognize that the international community must also provide adequate assistance to the countries of first asylum to enable them to better assume their international obligation of hosting refugees. However, assistance can only be effective where adequate protection for refugees exists. Correspondingly, where assistance is inadequate, it is more difficult to maintain protection. Within the budgetary limits set for us, the Department will endeavor to continue providing a fair and substantial share of the international assistance for African (and indeed all other) refugees.

QUESTION: Has there been an increase in the number of South Africans seeking asylum in the United States or being admitted as refugees because of the new violence and repression in South Africa? How many South Africans have applied, and how many have been admitted to the United States, since January 1985? What is their ethnic background?

ANSWER:

-- Historically, few refugees from South Africa have applied for resettlement in the United States. Many South Africans are seeking post secondary education/training outside of Africa instead of permanent resettlement. Many others have opted for temporary resettlement in Africa, with the hope that they will be able to return to their homeland in the near future.

-- Eight South Africans were granted asylum in the U.S. during FY 1985 while 11 South Africans have been granted asylum thus far during FY 1986. Since January 1985, 32 South Africans have entered the U.S. as refugees . An additionally 56 South African refugee applicants will be interviewed by INS this month for possibile admission as refugees.

-- Neither the Department of State nor the Immigration and Naturalization Service maintains statistics on refugee or asylum applicants by ethnic background.

QUESTION: If a white South African who is here on a student visa applies for asylum because he refuses to return to South Africa because he does not wish to serve in the South African armed forces because of their actions in implementing apartheid and the emergency rules, what consideration would the Department of State and INS likely give such claim for asylum?

ANSWER:

-- All applications for asylum are based on the individual circumstances of each and every case. Therefore, it would be impossible to prejudge a specific case without having all of the evidence available.

-- Any South African asylum applicant will be given every consideration consistent with U.S. law and regulation.

QUESTION: If a flow of white South African refugees or asylum-seekers were to begin, will the same screening procedures now being used in the Khmer processing -- to exclude those who themselves have engaged in persecution -- also apply to South African applicants who have engaged in the implementation and enforcement of apartheid? Would their activity in these programs preclude granting them refugee status under the terms of the Refugee Act of 1980 and the United Nations Convention and Protocol Relating to the Status of Refugees? What policy guidelines have been developed or considered?

ANSWER:

-- Under Section 101(a)(42) of the Immigration and Nationality Act of 1952 as amended, "The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion."

-- Whether or not a particular individual was ineligible for admission to the U.S. as a refugee under this section of the law because he or she engaged in the implementation and enforcement of apartheid would be determined on a case-by-case determination and would be based upon the facts of each individual case.

-- No new policy guidelines have been developed on this issue. A decision of ineligibility on this basis would be a case-by-case determination.

CHANGING NATURE OF REFUGEE FLOW

FROM SOUTHEAST ASIA

QUESTION: The Ray Commission report mentioned an increasing number of Southeast Asian refugees undertaking perilous journeys to countries of first asylum in search of "economic and political freedom or to be reunited with family members," rather than fleeing specific persecution. The Commission also noted that approximately 45% of refugee admissions to the U.S. last year from Southeast Asia were based on family relationships. There is clearly a change in the character of the refugee flow in Southeast Asia. Given this change, how much longer will the United States be able to justify admissions levels in excess of 10,000 or 20,000 refugees per year from Southeast Asia? Will there be a sufficient number of "true refugees" left?

ANSWER:

-- The Department views the next few years as a period of transition for the refugee program in Southeast Asia. As the first asylum population continues to drop and those admitted to the U.S. meet the qualifications for adjustment of status and naturalization to allow them to petition for immigrant visas for family members, the U.S. must ensure that viable mechanisms are in place to provide for both refugees and immigrants.

-- As Secretary Shultz testified last fall, we are promoting the increased use of normal immigration channels, as appropriate, for the family reunification segment of the Indochinese resettlement program. This approach has been endorsed by the Indochinese Refugee Panel which recommended a two-track refugee/immigrant processing program. We are currently working on specific implementation plans for these and other Panel recommendations.

-- We must recognize, however, that as the shift to conventional immigration processing proceeds, adequate refugee numbers will continue to be needed for bona fide refugee cases.

-- The Department admissions estimate for FY 1987 reflects these considerations. We do expect the number of refugee admissions to decline as the shift to immigration progresses.

EAST-ASIA FIRST ASYLUM PIPELINE

QUESTION: Your testimony notes that 21,050 refugees have entered the U.S. this fiscal year so far from East Asia/first asylum. How many refugees are presently in the "pipeline" (accepted for admission but still in the refugee processing centers) from East Asia/first asylum?

ANSWER:

-- There are presently 15,950 first asylum refugees in the pipeline. All of them will enter the United States during this fiscal year.

-- Between now and the end of the year, other refugees will enter the RPCs at Bataan, Galang and Phanat Nikhom for training for ESL/CO training. We expect to have about 15,300 refugees in the pipeline at the end of FY86.

EAST ASIA/ADMISSIONS/ODP

QUESTION: The only alternative to a continued "boat flow" from Vietnam -- which is obviously dangerous and chaotic -- is the UNHCR orderly departure program -- which to date, has brought out 105,000 Vietnamese since 1979 (half coming to the U.S.). What is the Administration doing diplomatically to get the O.D.P. program back on track? To date we have given diplomatic priority in our contacts with Hanoi to the M.I.A. issue. Is the family reunification problem and the O.D.P. program receiving a similar priority? If so, by whom, what recent initiatives have been undertaken?

ANSWER:

-- On July 1, senior U.S. officials -- from both State and the White House -- were in Hanoi discussing MIA's and also how to restore the functioning of the ODP.

-- On May 30, senior U.S. officials met with the Vietnamese Deputy Foreign Minister at the United Nations in New York to discuss the present state of the ODP and other matters. They also presented him with the text of a Concurrent Resolution introduced in the Senate and subsequently in the House of Representatives, calling for a full resumption of the program.

-- Earlier we protested the expulsion of the interviewers via UNHCR. We also asked other countries to express their concern to the SRV, especially those countries that could expect to have to deal with the problems created by an increase in the number of refugees landing clandestinely on their shores.

-- We have held talks with the Vietnamese under UNHCR chairmanship, most recently at UNHCR offices in Bangkok on March 3-4, and have sent repeated messages urging the resumption of interviewing. We have forcefully pointed out to the Vietnamese the consequences of their unilateral action and presented our position on how ODP processing can be resumed and improved in an equitable manner.

-- In addition to the messages we have sent since the March meeting -- one in April and two more in May, -- we have proposed another ODP meeting. We are currently awaiting a response.

-- The Vietnamese delegate indicated informally at the March meeting that the SRV had a list of 2,800 Amerasians and family members who had been issued exit permits and were ready for interview. Despite our requests, the SRV has so far declined to make this list available to us or permit processing of these cases.

-- Vietnam asserts that interviewing should not resume for new applicants until all the interviewed applicants have been either approved or denied. Unfortunately, many of those the Vietnamese have presented for UNHCR interview were not on U.S. lists nor in possession of a Letter of Introduction (LOI) requesting departure. By presenting for interview people whose qualifications have not yet been demonstrated or documented, the Vietnamese built into the system a serious delaying factor.

-- Thousands of Vietnamese are beneficiaries of current immigrant visa petitions. If the Vietnamese would allow interviewing and processing of these immigrant applicants, thousands could be accepted now for family reunification.

-- Meanwhile, we continue to process cases that have already been interviewed. Flights out of Vietnam for the U.S. ODP are continuing, although the number of departures has fallen from 5,745 for January through May 1985 to 4,884 for the same period in 1986. Roughly 70 percent of this year's departures have been for family reunification. (Departures to other countries have also dropped, from 5,050 to 4,168 for the same period of January through May.)

QUESTION: This year's rate of "boat people" is barely down thoughout the Southeast Asia region, and in Hong Kong there has been reportedly been a sharp increase compared to the same period last year. The Department's testimony stresses the need to find new solutions and new approaches to the Indochinese flow beyond third country resettlement. This means either voluntary repatriation or local settlement. What specific plans does the Department have on finding new approaches for the coming year? What new "international action and cooperation " do you visualize developing over the coming year?

ANSWER:

-- Last fall Secretary of State Shultz requested an independent review of the refugee situation in Indochina. The report of the Indochinese Refugee Panel has been completed and is being evaluated by the Departments of State and Justice. Consultations have already begun with the UN High Commissioner for Refugees and major resettlement countries concerning international approaches. The U.S. new Coordinator for Refugee Affairs will take the lead in developing these initiatives.

-- The Panel Report includes proposals for working with host governments in a "sharing out" which would include both third country resettlement and local settlement. Local settlement is already occurring in Hong Kong and Malaysia. The Panel recommended that negotiations be started with Thailand concerning programs to permit the Highland Lao to remain until repatriation is possible.

-- Voluntary repatriation was seen as a viable option for lowland Lao. Vietnamese intransigence with regard to its responsibility to permit its citizens to return voluntarily blocks present consideration of international programs such as that operating in Laos under UNHCR auspices.

-- The Panel endorsed the need for revitalized international burden-sharing of both the relief and resettlement efforts and recommended the appointment of a special representative to negotiate with the sending and receiving states. The new UN High Commissioner for Refugees will visit Southeast Asia early this fall. We believe that his leadership and interest can result in a strategy for this region, which will include an appropriate mix of all three durable solutions.

-- Another key element is the Orderly Departure Program. Vietnam's decision to curtail new interviews has contributed to the rise in boat departures. We are pursuing continued negotiations in an effort to reopen this safe alternative to clandestine flight.

QUESTION: There is a growing backlog of Indochinese refugees who have been denied refugee status or admission to any country. These so-called "long-stayers" (some up to 5 and 6 years) are becoming special humanitarian cases simply because their plight has become so prolonged and their future so uncertain. What thought is being given to dealing with the residue population in Southeast Asia -- assuming a new flow can finally be stemmed?

ANSWER:

-- The Indochinese Refugee Panel has recommended that the United States participate in an international "sharing out" of the long-stayer population. While details would require considerable negotiation, the program would include local settlement of some refugees and expanded third country resettlement of the remainder. The Panel suggested that US processing include members of the P-6 population (those without ties to the U.S.) who arrived after the cut-off date of April 30, 1982. The potential magnet effect of such a policy must be recognized and its implementation include measures to deter future clandestine flight of non-refugees.

-- Malaysia is currently operating a limited vocational and English-language program to qualify potential long-stayers for the programs of countries such as Australia and Canada which place a premium on such skills. Similar programs are being considered in Hong Kong and for the Khmer in Khao-I-Dang. These programs were supported by the Panel.

QUESTION: With regard to the Thai-Cambodian border, is there any evidence that the Thai government has shown any greater willingness toward instituting education programs for the displaced-person population on the border? In addition, is there any evidence that the processing for immigrant visas and humanitarian parole that the U.S. has conducted among the border population has drawn additional Cambodians to the border in hope of third country resettlement?

ANSWER:

- -- Primary education is currently provided to approximately 25,000 border Khmer children through programs operated by the UN Border Relief Operation (UNBRO). In addition, informal programs supported by the Khmer Women's Organization and private individuals provide elementary and secondary education to a limited number of others. UNBRO with the support of the United States and other donors is continuing efforts to expand these programs to provide opportunities for the growing school age population. The Royal Thai Government has tended to focus its attention on the Kap Cherng project, a proposal for secondary and vocational education on the site of a former refugee camp. This is being pursued by UNBRO although it does not appear that progress will be made soon.

- -- The number of new arrivals along the Thai-Cambodian border remains small with no noticeable impact from the processing program. Camp populations have been growing as a result of a higher birthrate rather than an influx from the interior.

QUESTION: Last year the Administration requested, and Congress approved, a refugee admissions ceiling of 3,000 for Central American refugees. As of the latest report, only 21 cases have been admitted this fiscal year, and all of these have been Cubans. By contrast, last year Canada found and admitted almost 3,000 deserving refugees, including 690 directly from the United States -- mostly Salvadorans and Guatemalans. How is it that again this year the United States cannot find one, single Salvadoran, Guatemalan, or other Central American to be admitted as a refugee -- much less the 3,000 approved by Congress?

ANSWER:

- -- The 3,000 ceiling is for all Latin American refugees and not exclusively for refugees from Central America.

- -- Our request included sufficient numbers to process Cuban refugees under the Mariel Migration Agreement. However, the Cuban government has not yet lifted its suspension of the Agreement. Therefore, we have not needed to use all of the numbers which were requested.

- -- Third country resettlement is the least desirable solution to refugee situations--or only necessary when neither voluntary repatriation nor regional resettlement is not achieveable solution. Central American countries have generously offered regional resettlement to those fleeing civil strife.

- -- Under current guidelines, any Central American may apply for the U.S. refugee program, and all individuals are considered for admission on a case by case basis. Central American refugees are processed in priorities one or two.

- -- We are aware that the Canadians have admitted substantial numbers of Central American refugees during recent years. Canada's program emphasizes family reunification and one part of that program is similar to our own fifth preference immigrant visa category which reunities brothers and sisters of U.S. citizens.

QUESTION FROM SENATOR SIMPSON:

BORDER KHMER

QUESTION: Does the State Department have any plans at the moment to begin screening the Khmer border population?

ANSWER:

- -- There are no plans to begin screening the border Khmer for the purpose of refugee resettlement. The United States has not changed its long-standing policy of regarding this group as displaced persons rather than refugees. Neither the United States nor other resettlement countries plan to accept for resettlement as refugees many of the 240,000 displaced Khmer who have moved into Thailand since 1980. The Royal Thai government, the UNHCR, and the rest of the international community recognize them as displaced persons. The UN Border Relief Operation is providing them food, shelter, and other support until conditions permit their safe return to Cambodia.

-- On September 17, 1985, the Secretary of State announced a limited immigration program for certain of the border Khmer with close relatives in the United States. This program includes only those with current immigrant visa petitions or "Visas 93" cases. Additionally, the Immigration and Naturalization Service will implement selected use of humanitarian parole, including a case-by-case review of beneficiaries of non-current immigrant visa petitions. Immigration or Visas 93 documents filed in the U.S. will identify those few border Khmer who will be considered for admission.

-- A screening program for a quarter of a million border Khmer is thus unnecessary and could be misinterpreted as implying a much larger program than currently envisaged. The result would be unfair to the border Khmer who have no close relatives in the United States and would, therefore, not qualify for immigration to the United States.

-- Moreover, if we began refugee processing among the border Khmer, we are concerned that a "magnet effect" would draw additional people out of Cambodia and increase the border population to well above the present 240,000. We would then be faced with the prospect of placing an overwhelming burden on Thailand and the international organizations involved in caring for the displaced Khmer.

Senator SIMPSON. Indeed. I will just do a quick, 10-minute round, and can come back to another round. I appreciate very much your zeroing in on that area. You and I joined together many years ago on the Cuban situation to reestablish relations through legal immigration channels, and I was very pleased to meet the former brigade commander that you were instrumental in assisting. I think that was a very remarkable incident, and I congratulate you, also.

We have an irony here. We have Cuban Americans who now are complaining about the policy of stopping the taking of Cubans until Castro agrees again to take back the Mariel criminals. There are many reasons for that: One of them apparently is Radio Marti. At least, we are told that. So there are enough ironies in it to last for everybody. But the point is, we ought to be making every effort to open that channel once again. It is in the best interest, I think, of Cuban Americans and in the best interest of those who are former brigade persons and political prisoners. I want to know a little bit more about that myself, and I will be inquiring through appropriate channels.

But back to Southeast Asia, if we might switch back for a moment. On the issue of humanitarian parole—and I have talked to the voluntary agencies about that proposal—the problem comes in defining "life-threatening situations," whether this is life-threatening.

Then, indeed, humanitarian parole might be justified. But if there is no real danger, then what is the effect of parole upon the 2 million other persons waiting in the backlog for legal immigration into the United States? I think that is a very important issue.

If there is fighting in the camps, I agree with Senator Kennedy completely, that is certainly life-threatening. We have had one incident of shelling, but there has been no dry season offensive in the area.

We have to weigh the issue of is that a life-threatening situation as much as a person waiting in Haiti to come in under legal immigration, or a person waiting in Calcutta to come in under legal immigration—living in a situation which is, "life-threatening". Those are things that we get to weigh here at this level in the congressional business. We do not get to draw the clear lines that you get to draw out there on that. We have to play with the deck of 58 cards sometimes around this place, rather than 52.

So those are things that concern me on the humanitarian parole, and how many will come in under humanitarian parole. I would like to have someone give me a figure. No one does.

When I came here, it was because of the parole policy of the United States that we had to come to the Refugee Act. Parole was abused and misused. Is this another entry into that, another shunt around inappropriate numbers? I would like to know.

Commissioner NELSON. Mr. Chairman, I think that is an excellent point, and I think is the balance on that issue of parole. I think you have covered it so well when you indicated that we have had a lot of problems in this country with paroles over the years and the overuse of a Refugee Act; and there are always pressures to go back to parole. There certainly are occasions—I do not have the figures—but we do grant a substantial number of paroles each year, all on a case-by-case basis, and it must be that way because if we start using paroles too generously, then there is—and I do not mean the word "generously" in a negative sense, but too broadly for groups—then there is a problem.

I think Mr. Purcell answered it well. We will look at it on a case-by-case basis. Certainly, where there are life-threatening situations, that is valid. But the one thing we will not do is to go against congressional intent and to use parole as a substitute for refugee processing.

Now, obviously, you are going to have to look at these cases, and there are some that you can, where they are waiting in line and you can get them out, but you are right; we have to be careful what we do in one place that it does not open up a similar issue or a precedent for another location.

Senator SIMPSON. Let me ask a question in another general area of you, Alan Nelson, and then I am going to bounce around. In your testimony, you remarked about the Bahai and other Iranian religious minorities in Pakistan.

Could you elaborate on the new processing of Iranian refugees currently in Pakistan? What specific religious groups are being reviewed? How many potential refugees are there, and are there other countries offering them any third country resettlement?

Commissioner NELSON. I cannot answer the last part; maybe Mr. Purcell can. We are primarily talking at this point, anyway, about the Bahai's; about 95 percent of those in the first round of processing, which was in April, were Bahai's. There have been 500 numbers set aside for that processing, and it is going forward. Staff can give the exact figures to the committee on that.

Mr. PURCELL. I would say, Senator, that we did get many expressions of concern about the Bahai community in Pakistan. The Secretary announced last September that we would open a very limited program. As the Commissioner has said, we have limited it one way by numbers. We have also limited the processing priorities that can be used. We are trying to really zero in on persecution.

I would say in the general sense that the burden-sharing on Bahai is probably about as widespread as any nationality group that we deal with. There are substantial numbers that do go to Canada, Australia, other governments, and in fact, I think we can see a much broader-based sharing of that particular population than most any other that we consider.

Senator SIMPSON. Let me ask, has that processing in Pakistan already begun?

Mr. PURCELL. Yes; it has begun. It was announced this past September. The system was setup. I think there has been one INS team in, doing interviewing, and there will be another yet this year.

Senator SIMPSON. September is when it was announced, but I asked if it had been done.

Mr. PURCELL. Well, it has been started. INS has been in. We have provided——

Senator SIMPSON. So it is going on right now?

Mr. PURCELL. It is going on right now.

Senator SIMPSON. That is good. When did it begin to get begun?

Mr. PURCELL. Well, the system was setup after the September hearings. We had to setup the modalities and get the JVA interviewers established. The case files were prepared, and the INS interview, I think, was done within the past couple of months, but it has been underway since the hearings. There is a good bit of preparatory work that has to be done before INS can come in and look at files, and that occurred over a 3-, 4-month period, and INS has had one team in already, and it has been a very successful program in that regard.

Senator SIMPSON. Let me ask you, Al, could you provide the subcommittee with some indication of the direction the INS might suggest in updating the refugee priorities and categories in order to take into account the increasing economic and family reunification components of our Southeast Asian refugee flow?

Commissioner NELSON. We would be very pleased, Mr. Chairman, certainly, to consult with you and staff. There is a lot of work being done on this in various areas to accomplish, I think, the principles you just alluded to, and we are committed to developing those. I do not have a lot of the details at this point, but we would like to have a chance to sit down with Mr. Day and others to let you know how we are coming along.

Senator SIMPSON. I think I have shared with most of you the criticisms we receive about the rigidity of the Khmer review process.

I, almost like Charles Dickens "Christmas Carol," have been visited by three spirits, and they continue to come back to me: "What are you doing about these?" Yet they ignore the 90 percent approval figures, they ignore the awesome generosity of this country—awesome especially in relation to our allies in this cause who have been remarkable, too, but who are not going to remain remarkable very much longer.

So I appreciated your detailed description of the Khmer review process in your testimony. Is there not a point, despite the Ray Commission's suggestion, at which we say how many times do you review a certain designated, identified population and review them and review them and review them? What is the point? How far do you go?

Commissioner NELSON. I think, Mr. Chairman, your question indicates the answer. And as our testimony stated, we think we have been more than generous, more than thorough, more than fair and accurate.

Now, let us face it, there are Khmer Rouge people there that are not subject to coming in as refugees. There are others who do not have claims, valid claims, of persecution.

I think it can be recognized when you have approved 90 percent that you have gone a long way. And we have, as indicated, done several reviews, and we do basically think enough is enough. We are not going to do general reviews for the purpose of review and for the real purpose that some would like, that you basically end up taking them all.

I think we have made our position clear. Mr. Purcell as I did in Geneva, also, that we will—and I do not think it is inconsistent with the Ray Commission in this regard—there might be some interpretation question—any time there is a case that should be reviewed and is raised because there is new evidence, some specific factors, of course. That is consistent throughout the world in our refugee processing. There is a review process. And that will exist, of course, for the Khmer, too, but not the continued, ongoing rereview process. I think we have met our burden in every reasonable manner there.

Senator SIMPSON. Well, it is certainly a bit troubling to me, because those who consistently make the plea really have identified certain persons that they want here, and for various reasons. Some, I think, are rather magnificent. I think some are rather selfish, and some are rather self-serving. They identify these persons, and then the mail cranks up. We have not just isolated these people to cause pain and anguish among the pleaders—but they certainly cause pain and anguish in my mind when they continue to stir the pot when we have done an extraordinary, extraordinary, generous, humane, compassionate taking off of people who all of us in this room know do not fit the designation of "refugee". And yet that is the way we are. That is our strength, that is our country. But you know, we do not have to play it like a violin in the background. That does get tedious to me.

So show us those, and we will respond. We have an awfully good track record in protecting those people, and have protected people in that area of the world more than we have protected people in any other area of the world.

So just one more question. More than 1 year ago, I urged the administration to take Southeast Asians who wish to join their family in the United States as immigrants, instead of abusing the Refugee Act to admit them as refugees. You have all heard me speak on that. But I understand that only 11 Southeast Asians have been admitted as immigrants, and I have been told by some of the voluntary agency people—and the things I said just moments ago do not really have anything to do with the voluntary agency people; they are superb in what they are trying to do—but I have been told by some of the voluntary agency people working in the field that there are people in Southeast Asia with current immigrant visa petitions that are not being processed.

I would like to know about that, either one of you, anyone.

Mr. PURCELL. Yes, sir. What they are talking about, Senator, are the border Khmer, which we have indicated will have a normal immigrant program, and we will take those who qualify for immigrant visas, Visas 93, and some limited humanitarian parole.

What they are telling you, the figure 11—now, I have checked the figures, and it is 13—but what we have had in Thailand is the voluntary agencies, our consular sections, setting up the process for which we can identify those who can be considered under this program.

We have identified up to this point a total of 553 people, Khmer, with approved immigrant visas or Visa 93 petitions. These people are located 114 at site 2, 344 at Khao I Dang, and 95 at other locations. Of these, the following are current in terms of priority date: 208, of which 45 are at site 2, 108 at Khao I Dang, and 55 in other locations.

Until this past week, we had access only to applicants at site 2. We received access in principle last Friday to the residents of Khao I Dang. We are now in the process of reviewing that group.

We have to date asked to interview 84 cases of which 40 are at site 2, 44 at Khao I Dang. We have been allowed to interview only at site 2—that is 32 cases—of that number, we have approved 21; 11 have been referred for further review; visas issued and left Thailand are 13.

We have attempted over the past few months to identify everybody who is eligible, and we have setup a program—and we in fact have put it in our consular section to make sure that it follows normal consular rules. We have had some difficulty working out procedures with the Thai Government to get access to the people.

We will now with access, which has only since last Friday been granted to the vast majority of these people, accelerate the interviewing. I can assure you that there is no deliberate effort to delay. In fact, it is to our benefit to speedup this process.

But we are finding substantial problems of documentation. And we know this is basically a documentless society, but there has to be some basic documents in order for the consular people to review the file. And we are taking extraordinary steps with the petitioners back here to complete those documents. It is taking a while. But we also have to regard that there have been substantial problems of fraud found in our reviewing, and——

Senator SIMPSON. Right there, let me develop that a little more. You say substantial evidence of fraud. I understand that they say they have established family ties, and the family ties are not there. I have heard of instances of that.

Mr. PURCELL. Yes.

Senator SIMPSON. I also know that it often does not have anything to do with fraud, but it has to do with misinformation, that a person under the legal immigration system, when you say, "You are clear, you are ready," and they say, "Well, send them over." And then we say, "Have you got the money to do that?" and they say, "What? Do you mean that is a responsibility of someone other than the Federal Government?" And it is. That is something I do not think people understand in this situation. I found that myself in personal interviews, with refugees. They would say, "Well, I came here as a refugee 8, 10 years ago, and I did not have to pay my way here. Now, do you mean that if I bring someone in my family, under legal immigration, that I have to pay for it or find the funds to do so?"

Do those things come up in the discussions?

Mr. PURCELL. Yes, sir; I would say that of those who have been approved and have left, that the affidavit of support has not been a problem; it has been granted. However, this is still a requirement that exists and has to be satisfied before a person can be certified to leave. It exists there as it does anyplace else in the world.

I will say that we have had, obviously, with the desperation that many of the border Khmer face, there have been some instances of people added to the file, which our people have had to sort out. But I would say that we have been as liberal, and generous, and compassionate in our reviews as the situation permits, and our objective is to speedup the processing, not to slow it down, but we have got to do it in conformance with the laws under which we operate.

Senator SIMPSON. Well, what is the other element of fraud—if there is such—what is the most significant element of fraud?

Mr. PURCELL. Well, I will give you an example of a case we had of a husband, wife, and a number of children. Upon interviewing, it was determined that two of the young people were not in fact children, relatives of that family.

So this can only be ascertained by looking at documentation, interviewing, and it was ferretted out by our interviewers.

But it is important if we are going to operate under these procedures that we be not rigid, but we adhere to the law, and I would say that our people who are doing the interviewing understand the difficult circumstances these people are living in; they are trying to be generous and compassionate, but they are also trying to enforce the law.

Senator SIMPSON. Yes; when I spoke of the transportation costs and getting them back here, I know that there are certain voluntary agencies that expend their funds in that area, and I am aware that ICM provides some type of special rate transportation, and that would be very typical of that fine organization and what they do in the world. But maybe that is not as much of an issue.

Let me ask you if the consular section in Bangkok is sufficiently staffed to handle this new work on the border, or do we need to beef that up?

Mr. PURCELL. Well, it will depend, Senator, on the size of the program. At this point, of the 553 we mentioned, we have 208 that have current immigrant visas and 345 noncurrent. These are all we know about.

We are advertising this program here in the United States. Whether additional petitions are forwarded, we do not at this point know, but we expect they will. At some point, the staffing of the consular section certainly will become an issue. Up to this point, given the low volume that we are dealing with, it has not been an issue. But we are reviewing that with the consular people here in Washington and in Bangkok, and we will attempt to take steps to try to deal with it.

But our objective is to try to accelerate the normal immigrant program from the border Khmer as the viable means of assisting that group. I do believe that if we do not have such a thing that the consideration of launching a refugee processing program from that border would be from a policy standpoint not a desirable thing to do.

Senator SIMPSON. Now let us get to Phil. I would not want you on your last day to have missed any of the action here. And indeed, you have, as I said, served admirably.

You now are sharing with us that the dependency rate, the refugee welfare dependency rate, is about 50 percent, ranging from one State with 4 percent, I believe you said, to one with a plus 90-percent dependency rate. Is that correct?

Mr. HAWKES. Actually, Senator, it is from just about 4 percent to about 90 percent.

Senator SIMPSON. And what are the States that have been seemingly going up, on the rise, of dependency, and which are those?

Mr. HAWKES. Senator, that is pretty mixed. I would say there are about 25 States that are increasing. I can give you that for the record, but not off the top of my head.

Senator SIMPSON. But you mentioned two or three.

Mr. HAWKES. There are some very high States, yes. California has a 90-percent rate, which is up from last year; Massachusetts, an 80-percent rate, which is——

Senator SIMPSON. What was Massachusetts before?

Mr. HAWKES. I can probably find that.

Senator SIMPSON. That has been a rather dramatic rise, hasn't it?

Mr. HAWKES. Yes, it has; they have come up from 71 percent last year.

Senator SIMPSON. Why would that be? Do you have any explanation for Massachusetts?

Mr. HAWKES. Well, Massachusetts has a new program, welfare reform program, which they call choices, I believe, and one of the aspects of that program is training toward an academic degree, including community college and adult education.

Refugees, especially Southeast Asian refugees, are very highly motivated toward education in general, and have been in fact leaving work, and jobs, and other New England States and moving to Massachusetts to take advantage of that program.

In fact, our voluntary agency people in Massachusetts tell us that, under the new rules, the options that a person has when applying for welfare are so great that it has greatly reduced the voluntary agencies' influence on incoming refugees from Eastern Europe as well as from Southeast Asia to try to attract them into available jobs.

So I think that while that program may be excellent for nonrefugees, it is another example of a mainstream welfare program which is not particularly suitable for the refugee population.

Senator SIMPSON. That is an interesting statistic to me, anyway.

Has there been any significant variation in the national refugee welfare dependency rate over the past 5 years? You have been there.

Mr. HAWKES. Senator, it has been going up about 1 percent a year, I think, from something around 50 percent or so 5 years ago.

Now, we made a policy change, if you recall, in 1982, and that had a dramatic effect because it took certain people out of the program. But since that policy change, we have had a gradual increase year by year.

Senator SIMPSON. How about the Fish-Wilson activities?

Mr. HAWKES. Senator, we have two Fish-Wilson demonstration projects underway. One, of course, is the refugee demonstration project in the State of California. At this point it is too early to tell how successful it will be.

We had and continue to have high hopes for that project. It does make it possible for people to go to work at any available job while, prior to the project, they only needed to accept employment that was at or above the level of their welfare grant, and the project took them out of the WIN Program, which is another mainstream welfare activity which is counterproductive for refugees.

The demonstration project has only been underway since last July—almost 1 year—but we only have the first and second quarterly reports, and they are not encouraging. Perhaps it is too early to tell. We have no data at this point that shows that that RDP is making a significant dent in the California welfare dependency rate.

The other project is in Oregon, and that has only been underway a few months, and that really is too early to say.

There are other projects being considered. Notably, the voluntary agencies in San Diego County are in the process of putting together a demonstration project that looks very interesting.

Senator SIMPSON. What is that dependency rate in Oregon? Do you have those figures?

Mr. HAWKES. Oregon is 64 percent.

Senator SIMPSON. Washington was 70 some?

Mr. HAWKES. Seventy-four, yes. And the national average is about 55, but if you take California out of it, it drops to 38, which I think is a little more realistic in terms of States in general, a more realistic average to deal with than the one that is highly skewed by California.

Senator SIMPSON. There are some in the House and Senate who think that is just exactly what we ought to do. [Laughter.]

But I will not go into that.

But certainly it is a very distorted schedule, and as you said so well in your testimony, these are not less literate, nor less able to care for themselves.

Could you just share with us quickly what the proper balance is in your mind—as you go on now to other things, to the Family Support Administration as Deputy Administrator—the proper balance between encouraging early employment and providing employment skills training?

Mr. HAWKES. Well, Senator, I think it is just that. It is a balance, and it has to meet the circumstances of the individual refugee as well as the local employment market and the available public assistance.

I think that what we are looking for is early employment, perhaps not as they step off the airplane, but as soon as possible, and then the provision of services concurrently with that employment that would allow a person to progress.

In the State of California, for instance, where the problem is perhaps worse than anywhere else, well over 90 percent of services are given during working hours, between 8 and 5 on weekdays, which means that it is pretty hard for a person who is attending an English class to be concurrently holding a job.

Other States, several in New England—Rhode Island, Massachusetts and Connecticut—offer a good portion of their services in the evenings, allowing people to hold jobs and still get the services that they so highly desire.

So I think it is a balanced approach. The first referral that a refugee gets on contacting the welfare program is very important. In some areas of the country, up to 90 percent of those people are referred immediately to an English class for which there may be some wait, and they are relieved of any responsibility for seeking employment while they are either waiting for that class or attending it.

Again, referrals for English—for any kind of services—should be balanced with referrals to work concurrently. That is what we are looking for on an individual basis—obviously different for a Pole who has a background in industry than for a Khmer who was a rural farmer, but, nevertheless, addressing that individual's needs.

Senator SIMPSON. You noted the Gramm-Rudman-Hollings impact—almost everyone does now. I appreciated the information you supplied concerning the impact of that on this year's domestic resettlement program.

Could the larger cuts that are envisioned in future years act to reduce admission levels? Whether we go through our own self-discipline or through the sequester process it will not matter which, because the next time the debt limit extension comes up, we will just do another Gramm-Rudman-Hollings, even if it falls apart in every court. Anybody that is missing that is missing the whole essence of the action, court decisions to the contrary. I would think that admission reductions would be the impact, would it not?

Mr. HAWKES. Senator, I do not think that would necessarily have to be the impact. Our legislative proposal envisions an 18-month all-refugee, cash-assistance program, which would track all needy incoming refugees into a program which parallels the mainstream AFDC and which provides particularly for refugee needs. That would save a considerable amount of money.

Further, we are currently operating under a continuing resolution at levels of social services and other components of our budget that are well above what the President requested and well above what the needs that we believe are actually there require in terms of funds.

If specific cuts to the refugee program were in the nature of a draconian 50, 70 percent, or something like that, we would certainly have to look at numbers. But under the projections that I have seen, I think that the program can deal with incoming refugees in a rational way if we could change the philosophy of welfare in many locations.

Senator SIMPSON. Some of the resettlement agencies have complained that the proposed elimination of the Matching Grant Program would destroy one of the most successful resettlement programs around. We who deal with it know that there is a so-called R&P grant of $560, paid to groups, persons within groups, who place refugees. I think that sometimes escapes the general public's attention. It is a very generous program, and maybe it has not kept pace with inflation, but it still is a very generous program. Under the Matching Grant Program, ORR gives the voluntary agencies $1,000 per refugee, plus the $560 State Department R&P grant, in exchange for a $1,000 matching contribution from the voluntary agencies—and that is what I want the record to disclose, These agencies claim that ORR studies exist which confirm the success of that program. If those studies do exist, why is that program now scheduled for elimination?

Mr. HAWKES. Senator, there is no doubting that the Matching Grant Program has been a success. The voluntary agencies use up to $1,000 of our funds—actually, minus 4.3 percent this year, $957—and do an excellent job, have done an excellent job over the years.

The number of people in the Matching Grant Program has been reduced sharply. If you will recall, it was originally put in place in about 1979, specifically to deal with the very large number of people who came out of Russia in that year and has since been expanded to include any other refugee for whom a voluntary agency wants to participate, but it mainly tends to be East Europeans—Russians and other Eastern Europeans. There were over 20,000 people in it in 1980, which means that the voluntary agencies raised over $20 million to complement the $20 million put up by the Federal Government.

In recent years, the number has been fewer than 4,000 people included in the program. ORR has put up about $4 million and the voluntary agencies something approximating that figure.

We do not doubt the effectiveness of the program. Our position is that the agencies are capable of carrying it out at this point without government assistance. They raised $20 million in 1980. It seems as if they could raise $8 million in 1986 to carry out that program without government participation; it would be well within their fundraising capacity. And we are not doubting that the program is effective, only who should be paying for it.

Senator SIMPSON. We have now my colleague from Iowa, Senator Grassley, who has been a remarkable participant in the activities of this subcommittee, a steady ally who has been right there through hours and hours of hearings in 6 years, a very thoughtful participant in this entire area of legal and illegal, immigration, refugees and those significant issues.

Senator Grassley, it is good to have you here. I appreciate your coming.

Senator GRASSLEY. I just have one question, Mr. Chairman, and the reason I did not get here earlier is that I am chairing an IRS Oversight Subcommittee meeting down the hall.

This is admittedly a parochial question, based upon communications I have had from my own State of Iowa, and I think you would all agree that we have had a fairly good record in my State of finding jobs and homes for Southeast Asians. I have received this communication expressing fear that refugee processing for Laotians and the Vietnamese is slowing and even being closed down.

I would like to have you comment on my constituents' concern about this happening. I will address it to the panel.

Mr. PURCELL. Senator, there is no question, if one looks over the last few years, that the admissions levels of Southeast Asian refugees are declining. We had, for instance, this year a ceiling established in September of 37,000, but because of the needs to reprogram funds to Africa and other parts of the world, that program will decrease to 35,000 this year.

In 1987, we may be facing up to a 20-percent cut in the refugee program as a result of deliberations between the House and the Senate on the overall budget resolution for international affairs.

If in fact such a cut is realized, we obviously will have to look at where that comes. And as has just been indicated previously, with more budget cuts, we cannot exempt the admissions program from those, since I am trying to provide aid and care to over 10 million refugees in the world.

We are still processing Lao, lowland Lao, and some very small number of highland Lao. We are still processing Vietnamese, and we are still reviewing a few of the last Khmer cases. But the level of the program, I would say, at this point is uncertain because of the very strong likelihoods of quite sharp budget cuts that are in store for us in 1987.

I would certainly urge the members of the committee to support adequate funding for refugees, but I think we are going to be a victim of the deliberations that are occurring on the overall budget resolution for international affairs programs, which does suggest now a reduction of up to $5 billion out of about $22 billion that the President had proposed.

Senator **GRASSLEY**. Admittedly, then, we would all agree that there would be some change so that there would be some slowing down; but would there be any sort of—I am sorry, I cannot think of the word—but can you tell us whether there are plans to shut it down, as opposed to it slowing down?

Mr. **PURCELL**. No, sir. There are no plans to shut it down. In fact, we have just had a report prepared by a team that the Secretary of State commissioned, headed by Governor Robert Ray, and that team has proposed, I think, a program over the next few years with which we agree, which would maintain processing for Lao and would suggest some additional processing for Vietnamese.

Our ability to carry out that report, however, will be dependent on our resource base. But we think that the likelihood of it being shutdown is very unlikely. We will be attempting to bring more and more of the Vietnamese and the Lao to qualify as immigrants rather than as refugees, but as long as you have got the harsh Communist societies that you have in Vietnam, Cambodi and Laos, and people need to flee, I think there will be a refugee program; whatever size will be dependent upon events that will occur on budget and other matters over the next few years.

Senator **GRASSLEY**. Thank you, Mr. Chairman.

Senator **SIMPSON**. Thank you, Senator Grassley. I appreciate your being here.

Just a couple more questions and then we will wind down. I come back to Jim Purcell. How do we determine the "whole universe" of those who are on the Thai-Cambodian border who may qualify for an immigrant visa?

Mr. **PURCELL**. Sir, I can only say the figures I gave you early, 553—that is, 208 current immigrant visa petitioners, and 345 others—are all of those who have petitioned to this point.

We are advertising the program more widely, and we may get additional applicants. The only other way we could do it is to take our field forces to look at all of those remaining on the border, to see who has got family connections, and to take the initiative from our side.

Up to this point, I have felt that we should operate this as we do other immigrant programs around the world, that the initiative should be taken from the petitioner here.

We certainly could have our forces go in and look at all 250,000 files and see who has relatives here and could qualify. I would be willing to discuss that if the committee thought it was a desirable thing to do, but we have not done that up to this point.

But that is the only foolproof way we could determine it.

Senator **SIMPSON**. Just a moment. [Conferring with staff.] The Reverend Day was sharing some important information with me there—my former counsel and long-time friend. [Laughter.]

I—and this is not what Richard was sharing with me—but I am concerned that if you screen the entire population, that that would draw significant attention and simply create a magnet that would be very persuasive. That is a view of mine.

Mr. PURCELL. That is certainly, Senator, why we have not requested such a review at this point. As you know, there has been a very strong debate in this country, at least, over the past year about departure mechanisms for the border Khmer. There is strong interest for refugee processing. I think there is strong support, if we can make it work, for normal immigration.

But I think we have got to look over the long term at what is in the best interest of that overall population. And I think the Secretary of State's review, certainly your report to us of your trip, indicated that we ought to be looking at political solutions on an international level that force the Vietnamese out, or allow the Vietnamese to depart, so these people can go back to their country.

And I think that is certainly the policy we want to follow. We do need to reach out to those few vulnerable people who do have family members here, but to launch largescale processing or whatever mechanism we choose to call it, I believe over the long haul would be the wrong decision for this group. And that position has been sustained by a number of reviews, including your own.

Senator SIMPSON. Well, I do feel that way, I certainly do. And I am sure there would be varied reasons why that feeling is prevalent, but I have that feeling.

Let me just ask you, as we talk about the burden-sharing in Southeast Asia—some call it burden-sharing, others call it pretty good, consistent over-sharing. With the Baha'i's you talked of the burden-sharing, and I think that is remarkable, and we must continue to do that, and we must continue to recognize that remarkable population—and should. I pledge to do that. Burden-sharing with the Southeast Asians I see changing, and this is no reflection on our remarkable allies. The Canadians and the Australians have done magnificently when you consider their population as versus the population of the United States. They deserve every bit of accolade we could give.

What is the current policy? I visited with them and their higher level and field level people several months ago. So I would like to know what the current policy of the Canadians and the Australians is with regard to the resettlement of Southeast Asian refugees.

Mr. PURCELL. Well, I think, Senator, you can see in the Australian program this year, they are trying to retain their worldwide level, or increase it a little bit, but they are giving decreasing emphasis to Southeast Asia; probably declining from a smaller base, about the same level which the United States has over time.

The Canadians are also maintaining a generous program for that government, for worldwide programs, but will, I think, be giving less attention in terms of overall numbers to the Southeast Asian program.

What we have attempted to do—and Commissioner Nelson and I spent a day in Geneva, working with the Canadian, Australian, and Japanese Governments and the High Commissioner is to call attention to the fact that Southeast Asia has become almost a three-country resettlement program. It is the United States, Canada, and Australia.

In fact, there was a meeting in Thailand about a month ago that squadron leader Prasong called with all the resettlement governments, and he called attention to that point.

In our discussions with High Commissioner Hocké, we indicated that it is essential that there be a solution-oriented framework developed under his leadership that can be explained, and we can invite back into a fold a wide range of European and other governments who are not active participants any longer, but any solutions that we look at, such as the sharing out proposed by the Ray Panel report, if that is to be done, it seems to me it must be done with a larger number of governments than the three presently engaged.

I think Commissioner Nelson might wish to comment, but I think we had great support for that in our meeting in Geneva, and I think you will see the new High Commissioner aggressively pursuing such an approach. But it is clear that burden-sharing is declining in Southeast Asia, and it has got to be buoyed again. And we are looking to a much more aggressive High Commissioner to undertake that function.

Commissioner NELSON. I have nothing to add.

Senator SIMPSON. Well, I think it is going to be difficult to induce other countries into that participation, especially if they know it is just going to be continuing. I think you might induce other countries into that if they knew that at sometime, there was an end. And since the Canadians and the Australians already feel that there is an end, we may lose two allies—oddly, ironically—lose two and pickup others. I do not know, but there has got to be some kind of finality to the program which does not in any way reduce our commitment to the world's refugees.

Well, just a quick word about ODP and then we will conclude. You express concern about the inordinate number—and maybe Al can be helpful here—the number of relatives of Amerasians that have entered under the ODP Program.

Could you provide the subcommittee with the number of ODP admissions that have been granted to Amerasians and their family members in fiscal year 1985 and so far in 1986?

Mr. PURCELL. Yes, sir. In fiscal year 1985, we admitted through ODP 1,498 Amerasian children, 2,334 accompanying relatives. In fiscal year 1986 through May, we have admitted 467 Amerasian children and 776 accompanying relatives.

Throughout the history of this program, I will provide for the record, when we started in October 1982, we have brought in about 8,600 including children and relatives—that is about 3,500 children and the rest relatives.

Senator SIMPSON. And that is not being done under the separate law that we passed with regard to Amerasians.

Mr. PURCELL. That is correct.

Senator SIMPSON. What an extraordinary thing. I do not think anybody understands that out in the real world, that we went through the anguish of passing an Amerasian children legislation for those who were the "dust of the Earth", and I was a cosponsor, and we do not bring anybody in under that—we bring them in under our immigration and ODP process, right?

Mr. PURCELL. That is correct, Senator. We communicated with the Congress in 1982 that the Amerasian Act, would work fine in countries like Korea, the Philippines, but could not be used in Vietnam, given our lack of diplomatic or consular relations. Also, the provision in the act that requires the mother to irrevocably sever her ties with the child did not seem to us to be workable. And we communicated with the Congress, and we have been pursuing since that point the admission of Amerasian children through the orderly departure program.

We will certainly be willing to look at the legislation, and we have been reviewing, to see if it can be made to work in that country, but I think the key provision of severing the tie between the mother and the child, and the documentation that will be required in a country for which we have no relations, make it unworkable law in that particular instance.

Senator SIMPSON. Yes, an interesting irony. We do not use it because of, as you say, the limitation on relatives, and yet, even though the numbers are limited and they do not use them, it still takes away from numbers.

Mr. PURCELL. That is correct.

Senator SIMPSON. Well, there are lots of things I did not know when I lived in Cody, WY, but I sure as hell found out since I got here.

Just one other question and then we will stop. On the ODP program and "our list versus their list," and in obtaining the release of the reeducation camp persons, is there any progress—even though things are in disarray—of processing our list instead of their list?

Mr. PURCELL. Yes, sir. OK. The question you raise is reciprocity. We do, Senator, communicate to the Vietnamese in a variety of ways our desires for people to come out of that country. We do it at our annual meetings in Geneva. We do it through special priority lists for certain vulnerable groups that we know could not otherwise be reached. We do it through the working groups that are set up between Bangkok and Vietnam, and in our management of this program.

One of the problems that has probably caused the severing of ties in ODP has been our insistence on reciprocity. Let me give you a few figures.

I have been maintaining that we have to define what we mean by "reciprocity." And I say that our 50 percent or whatever share should include family reunification through immigrant visas; it should include fiancees of American citizens; it should include former U.S. Government employees; it should include others of concern to the United States which include employees of the pre-1975 government in South Vietnam, employees of U.S. firms, Vietnamese who studied in the United States, or others with close ties. It should include Amerasians and families, and political prisoners and their families.

If you take that as the definition of reciprocity from our side, in 1985, we had 13,841 people depart ODP, both as refugees and immigrants. Of that number, 7,565 came into those categories that I just elucidated—that is 55 percent.

Thus far in 1986, if you use the same categories, we have had 5,147 out of a total departure of 7,763. That is 66 percent.

As far as I am concerned, we are achieving reciprocity. That is the problem, because the Vietnamese are issuing exit permits to people who are low on our priority list, and we have maintained that unless they honor and respect those that we want to get out, that we cannot do business with them.

Now, we are hoping that we can bridge this gap. It is critically important that ODP be reactivated. But the special list that you are referring to is one element of our communication with the Vietnamese, and we believe that one has to look broader at all of the groups that we think we want to get out.

With regard to the political prisoners, we are at absolutely ground zero with the Vietnamese on that. While we have maintained our willingness to take them, they seem to me are taking every opportunity to back away from the commitment they gave us several years ago that if we wanted them we could have them. We have asked for them, and they have not been forthcoming. But that again is another issue on the table for negotiation, and I am hopeful that we can make some headway on it.

[Material follows:]

ODP: AMERASIAN DEPARTURES TO THE UNITED STATES

	FY 82*	FY 83	FY 84	FY 85	FY 86 thru 5/86	Total
Amerasians	12	638	937	1,498	467	3,552
Accompanying relatives	8	694	1,254	2,334	776	5,066
Total	20	1,332	2,191	3,832	1,243	8,618

* The first Amerasian flight was September 30, 1982.

Senator SIMPSON. I hope so, too. And I know you are pleased, Alan Nelson, with finally getting INS participation and emphasis there that you had not been able to get before, and we have got to get back on that track.

Well, I thank you. There will be further questions for the record from myself and from Senator Kennedy.

I thank Dick Day very much, and Jerry Tinker, who have always been most helpful as they work together, and those who set up this hearing—Stephanie Kellum, Dee Dee Herzog, Robyn Bishop, and Carl Hampe; I thank you. And my particular good will and respects to you, James and Phil, as you go out to new duties. I know you will do well, because you have certainly done well in all I have seen you perform in my time here, and God bless you.

And you, Al, stick around. We will probably see each other a few times in months to come.

Thank you, and thank you for your participation, Mr. Gee; nice to have you here, sir.

That concludes the hearing.

[Whereupon, at 12:13 p.m., the subcommittee was adjourned.]

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